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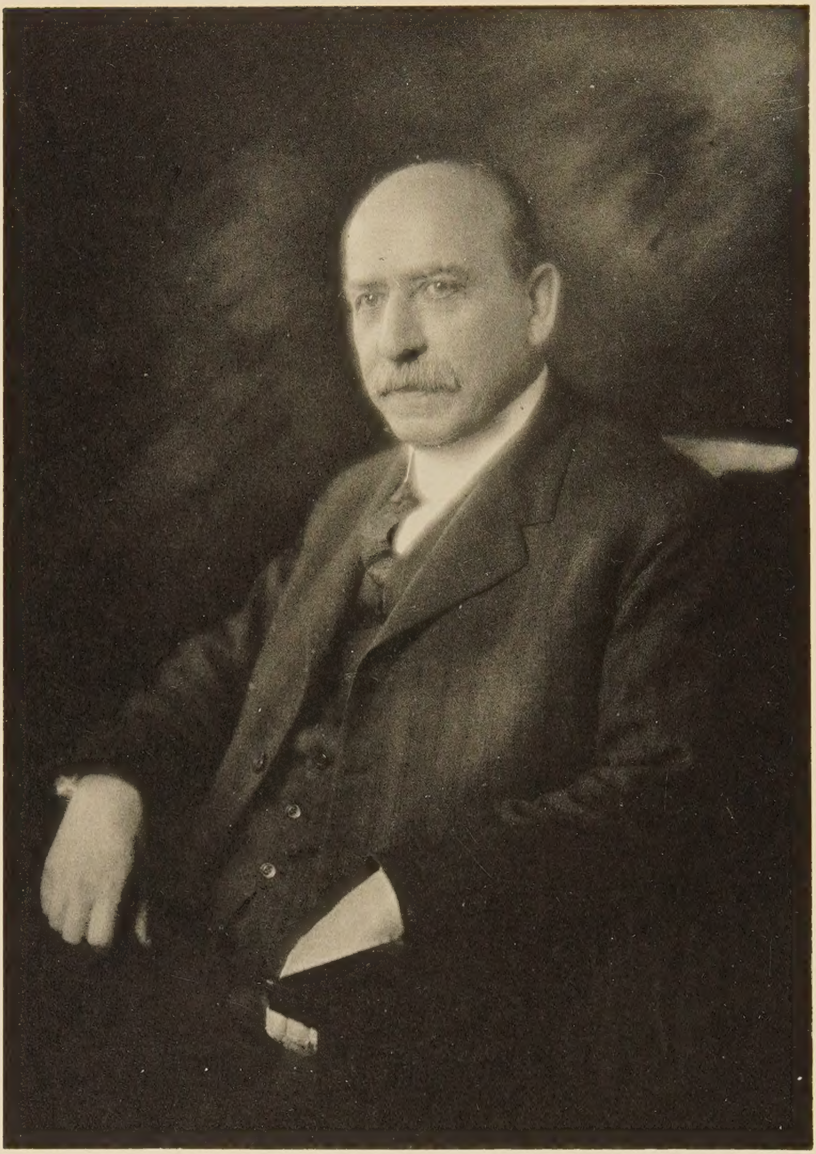

Henry Lefavour

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of the

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VOLUME LXVIII

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Preface

THIS *volume contains the Proceedings of the Massachusetts Historical Society from October*, 1944, *through May*, 1947. *The death of Allyn Bailey Forbes on January* 21, 1947, *Director of the Society from* 1940 *to* 1947, *and the almost daily distractions of the repair and the remodelling of the building of the Society between* 1947 *and* 1951, *have delayed the preparation and publication of this volume far beyond the date when it would have appeared in normal circumstances.*

Barring unforeseen misfortunes, Proceedings 69 (*October*, 1947, *to May*, 1950) *and* Proceedings 70 (*October*, 1950, *to May*, 1953) *will be published in* 1953 *and* 1954, *thus bringing the records of the stated meetings of the Society approximately up to date.*

Lest specialists be annoyed to notice that two slightly different fonts of type have been used in this volume, the Editor wishes to explain that the papers read by the following Members were set up by the Merrymount Press before it went out of business early in 1948: *C. M. Fuess, M. A. DeWolfe Howe, R. H. Lord, A. M. Schlesinger, H. L. Seaver, R. W. G. Vail, and L. C. Wroth. For reasons of economy it was decided to save the expense of resetting these papers precisely to match the rest of the volume.*

In his capacity as Editor of the publications the Director thanks not only the small and overworked staff of the Society, but the Committee of Publication, as well, for their faithful, prompt, and accurate assistance to him throughout five exhausting years.

STEWART MITCHELL
Director

July 31, 1952

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October 9, 1952

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May 15, 1945–December 31, 1952

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1904, Roger Bigelow Merriman, September 7, 1945
1907, Albert Matthews, April 13, 1946
1915, George Parker Winship, June 23, 1952
1917, William Sumner Appleton, November 24, 1947
1919, Lawrence Shaw Mayo, July 23, 1947
1921, George Gregerson Wolkins, March 2, 1951
1924, Wilbur Cortez Abbott, February 3, 1947
1924, Edwin Francis Gay, February 7, 1946
1925, Henry Lefavour, June 16, 1946
1927, Allen French, October 6, 1946
1928, Edward Kennard Rand, October 28, 1945
1930, Henry Adams, April 26, 1951
1930, George Hinckley Lyman, May 17, 1945
1933, Samuel Atkins Eliot, October 15, 1950
1933, Gaspar Griswold Bacon, December 25, 1947
1934, George Edward Cabot, April 18, 1946
1934, Allyn Bailey Forbes, January 21, 1947
1934, Thomas Barbour, January 8, 1946
1936, George Russell Agassiz, February 5, 1951
1936, Hermann Frederick Clarke, October 29, 1947
1937, Augustus Peabody Loring, Jr., October 1, 1951
1937, William Augustus Jeffries, February 20, 1948
1938, Fred Tarbell Field, July 23, 1950
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1947, Walter Harrington Kilham, September 11, 1948
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1922, James Truslow Adams, May 18, 1949
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1938, Sir Reginald Coupland, November 6, 1952
1941, William Allan Neilson, February 13, 1946
1948, Stephen Hyatt Pelham Pell, June 22, 1950

MEMBERSHIPS CEASED

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1941, Frederick Lewis Weis[1]
1942, Henry Knox Sherrill[2]

Corresponding

1921, George Peabody Gooch[3]
1932, Arthur Stanwood Pier[4]
1933, Bernard Fay[5]
1941, Archibald MacLeish[6]

[1] Transferred to Associate Membership, February 14, 1952.

[2] Transferred to Associate Membership, January 1, 1947.

[3] Elected Honorary Member, December 13, 1951.

[4] Elected Resident Member, December 14, 1950.

[5] Dropped by vote of the Society, March 9, 1944.

[6] Elected Resident Member, December 14, 1950.

Proceedings

1944–1947

Hair and Holiness

By Henry Latimer Seaver[1]

EARNEST men have always realized that manners merge into morals, that fashions may have some relation to character. I propose to consider two episodes in the history of European men's fashions in wearing their hair: the choice between long and short—which we may playfully entitle "How Long Is Long?"—and the choice between natural and false hair, which we may call "Wigs and Wickedness."

Discussion of the moral issue of long hair clearly must start with the sentence of St. Paul which became authoritative, however difficult of interpretation, for Christian moralists: "Doth not even nature itself teach you, that, if a man have long hair, it is a shame unto him? . . . But if any man seem to be contentious, we have no such custom, neither the churches of God."[2] Is there not an amusing cautiousness, born of second thought, evident in the second sentence? Within Paul's background, I take it, there was evidence enough that "nature" had by no means always suggested short hair for men; and with second thought he beats a considered retreat to the more defensible appeal to custom. Colloquial paraphrase might run: Can't you just naturally see that a man oughtn't to wear his hair long? But if you're going to argue about it, it just isn't done.

The association of unmanliness with long hair was in neither Paul's Hebrew[3] nor his Roman background. The Mosaic law included a command: "Ye shall not round the corners of your heads, neither shalt thou mar the corners of thy beard,"[4] a prohibition understood as applicable only to part of the hair, as the tourist today notes among the Palestinian Jews wearing long curls before the ears, with the rest of the hair clipped. Abundant hair is a feature of the handsome heroic figure of historic legend, such as Absalom: "When he polled his head, (now it was at every year's end that he polled *it*: because *the hair* was heavy on him, therefore he polled it:) he weighed the hair of his head at two hundred shekels. . . ."[1] This gorgeous fleece, as the striking narrative records, tangled in low oak boughs, lifted him from his mule, and held him suspended till he was pierced by the spear of his enemy.[2] A lifelong consecration under a vow, as of the Nazarites, involved untrimmed growth of the hair; and others under a vow left the hair untrimmed until it was fulfilled, as is recorded of Paul himself.[3]

---

[1] This paper was read at the October, 1944, meeting.

[2] 1 Corinthians xi. 14, 16.

[3] *A Dictionary of the Bible,* James Hastings, Editor, (4 volumes, New York, 1899–1902), s.v. *Hair.*

[4] Leviticus xix. 27.

From his Hellenic background Paul presumably knew the older Greek custom allowing very long hair for men. The famous passage at the beginning of Thucydides[4] speaks of the older generation wearing hair long enough to require knotting up on the crown, where it was fixed by a gold pin or clasp fashioned like a cicada. Since school-days we recall the pretty story of the Spartans, on the night before Thermopylae, combing their long hair, according to their custom of adorning their heads with care when about to face death.[5] Of that older Greek custom Paul would be reminded by Greek sculptures representing the gods with long hair. Of actual practice in the later Greek centuries we may infer from the literature, since Greek portraiture is scant, that masculine fashion prescribed trimmed hair, although locks to cover the ears appear in some of the surviving portraits, such as those of Socrates and Euripides. On the other hand, some very close clip was usual for slaves, which made them easily distinguishable from the gentlemen.[6] The Roman story is similar: an obsolete fashion for long hair, within the recollection of Horace, and from the end of the Republic a uniform tradition of short hair for men, though dandies could make themselves conspicuous by fineries such as curling or perfumes.[7] Splendid and numerous portrait busts contemporary with the lifetime of Paul show a uniform fashion for closely trimmed or even cropped hair, a fashion followed by all the Julian-Claudian and by the Flavian emperors. We may then confidently assume that by "long" Paul understood pretty much what we do today.

---

[1] 2 Samuel xiv. 26. The commentators, with due allowance for the probably post-Exilic date of the verse, reach an estimate of 3 5/7 lbs. avoirdupois. Hastings, *Dictionary of the Bible*, s.v. *Weights and Measures*.

[2] 2 Samuel xviii. 9–15.

[3] Hastings, *Dictionary of the Bible*, s.v. *Nazirite*; Acts xviii. 18.

[4] Thucydides, I. 6.

[5] Herodotus, VII. 208.3; 209.3.

[6] Charles V. Daremberg and Edmond S. Saglio, *Dictionnaire des Antiquités Grecques et Romaines* (5 volumes, Paris, 1877–1919), s.v. *Coma*.

[7] Horace *Odes* I. xii. 41; *ibid.*, II. xv. 11; Varro *Rerum Rusticarum* II. xi. 10; Cicero *Celio* 14; *ibid.*, *In Catilinam* II. 10.

Greco-Roman culture spread over the Teutonic peoples, to whom, as to the older classical world, long hair seemed in no wise unmanly. Though little or no representative art shows us the headdress of men in the Dark or early Middle Ages, the literature gives us the picture, especially for the Scandinavian peoples, of long, even of braided, hair. An example likely to be recalled is in the episode of the Heimskringla,[1] of the Jomsvikings who were taken in battle by the jarl Eric Hakonson; seated, bound, on a log; and beheaded in turn by the ax of an executioner while his assistant held their necks stretched forward by a pull on their long hair. Striking in the narrative is the circumstance of Sigurd, son of Bui, "a handsome man with fine hair," who "swept the hair over his head and held forth his neck and said: 'Let no blood come on my hair.' " When the ax fell, "the viking pulled his head away sharply, and he who held the hair went forward and the ax fell on both his hands and cut them off"—by which resourcefulness Sigurd won life and pardon.

Against the tradition of the barbarian peoples the early Christian moralists had a desperate fight: Clemens Romanus, Clemens Alexandrinus, Tertullian, Jerome, Chrysostom, Cyprian, Ambrose, Epiphanius, a cloud of witnesses, whose angry testimony is gathered and delivered in irate English by William Prynne, the Puritan pamphleteer, in his little book, *The Unlovelinesse of Love-Lockes* (London, 1628). The polemics of the Fathers rest chiefly on Paul's sentence but include general arguments from the vanity, frivolity, or costliness of elaborate coiffure and its usual intent to achieve beauty appealing to the other sex. "Clemens Romanus," as Prynne words it, "enioynes men to pole their Heads, and not to suffer their Haire to grow long, least the nourishing, and perfuming of their Haire, should be a means to inflame their lusts, and to illaqueate, or inamour women with them. . . ."[2]

Despite patristic moralists and probably under Teutonic influence, medieval fashion prescribed for men hair falling to cover the ears or even to the shoulder. Of English medieval kings from Henry I, who died in 1135, to Henry IV, who died in 1413, we have statues, principally on tombs, of nine, among whom only three wear hair showing the ears: Henry II and his son Richard the Lion-Hearted, and Henry IV.[1]

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[1] *Heimskringla, or the Lives of the Norse Kings*, Erling Monsen, Editor, (Cambridge, England, 1932), 147–148. The time is that of Olaf Trygvason, who died in 1000 A.D.

[2] Prynne, *The Unlovelinesse of Love-Lockes*, 14.

The masculine fashion of hair covering the ears was well-nigh universal for Renaissance gentlemen: we remember among Renaissance portraits Raphael's and Dürer's of themselves; and among Holbein's portraits but three or four have trimmed hair showing the ears—notable among the exceptions being the prodigious head of Henry VIII. Typical is the bust of Shakespeare above the Stratford grave, with hair gently waved and exposing the ear lobe. There are, however, not a few Elizabethan portraits of gentlemen trimmed as close as King Henry.[2] Stow's *Annals* records that "on the 8th of May (1535) the King commanded all about his Court to poll their heads, and to give them example, he caused his own head to be polled;" but the fashion was brief.[3]

I know nothing of moralists of the Renaissance period being concerned about hair and holiness; but the English Puritan was certainly so concerned. His nickname of "Roundhead" arose, however, from an accident of fashion not connected with moral scruple: the menial classes in London, largely Puritan in political sympathies, wore hair cut much closer than did the Cavalier gentlemen.[4]

Much earlier than this, however, there is evidence that Puritan feeling, at least among the more earnest, had condemned long hair as reprehensible; and this scruple became a feature ridiculed in burlesques of Puritans. "Zeal-of-the-Land Busy," the fanatic character central in Ben Jonson's *Bartholomew Fair* (acted October 31, 1614), insists on this scruple to converts:

---

[1] Conveniently assembled and well engraved in Samuel R. Gardiner, *A Student's History of England* (London, 1923).

[2] A convenient assemblage of all this English material, well reproduced, is in *Historical Portraits, 1400–1600* (Oxford, 1909).

[3] K. T. Parker, *The Drawings of Hans Holbein . . . at Windsor Castle* (London, 1945), 24.

[4] For Lord Clarendon's famous explanation of the origin of the term, see his *History of the Rebellion and Civil Wars in England* (6 volumes, Oxford, 1819), I. 469–470. The earliest quotation of "Roundhead" in the *N.E.D.* is from 1641. A title page of 1642 is also quoted: "How far he differs from Roundhead, Rattle-head or Prick-eare." ("Prickear" was a more contemptuous synonym arising at the same date.) Clipped hair as typical of social inferiority appears, as has been noted, in classic custom, and apparently continued in medieval life. Prynne (*Unlovelinesse of Love-Lockes,* 40) has it that "Clodion the hairy, King of France, desiring to be Respected, Honoured, and Renouned for his long Haire; inacted a Law: that none but Kings, and their Children . . . should weare long Haire. . . ." James Howell, *Epistolæ Ho-Elianæ* (Book IV, Letter XIX), has a version of this legend.

Knockem. Sir, I will take your council and cut my hair and leave vapours: I see that tobacco and bottle-ale and pig . . . is all, vanity.

Busy. Only pig was not comprehended in my admonition, the rest were; for long hair, it is an ensign of pride, a banner; and the world is full of those banners, very full of banners.[1]

That the scruple about long hair was confined to the fanatic is implied by clear evidence. A satirical print of 1689 reproduced in Sir Charles H. Firth's beautiful edition of Macaulay[2] represents "A Trimmer" as a bisected compound of contradictory ecclesiastical opposites:

A true blew Priest, a Lincey Woolsey Brother.
One Legg a Pulpitt holds, a Tubb the other,
An orthodox, grave, moderate, Prestbyterian.
Half Surplice, Cloake, half Priest, half Puritan;
Made up of all these halfes, hee cannot pass
For any thing; intirely, but an Ass.

The engraver carefully shows contrasted pulpit and tub, surplice and cloak; the two halves of the head, however, are not differentiated, but carry wavy locks just reaching the shoulder.

Samuel Butler's burlesque of Puritanism, *Hudibras* (1663–1664), though ridiculing a tawny "Thanksgiving" beard, has but a single word about hair: mention of "a cropped malignant."[3] Could so elaborate a satirical portrait omit this detail if it were widely characteristic of Puritan feeling? Further, Butler's criteria for the Puritan fanatic are these:

To find in lines of Beard and Face
The Physiognomy of Grace,
And by the sownd and *twang of Nose*
If all be sound within disclose.

Most conclusive are the portraits of the famous Puritans. In the delightful volume, *Historical Portraits, 1600–1700* (Oxford, 1911), are thirteen likenesses of the leading Puritans: Marvell, Milton,

---

[1] Act III (Mermaid Edition, page 88). It was after seeing a performance of *Bartholomew Fair* "with puppets" that Pepys wrote perhaps the most astonishing sentence in that most astonishing of diaries (September 4, 1668): ". . . it is an excellent play; the more I see it, the more I love the wit of it; only the business of abusing the Puritans begins to grow stale, and of no use, they being the people that, at last, will be found the wisest." *The Diary of Samuel Pepys*, H. B. Wheatly, Editor, (9 volumes, London, 1896–1899), VIII. 92. He had then observed the Restoration Court from the inside for eight years.

[2] Thomas B. Macaulay, *The History of England, from the Accession of James the Second*, Sir Charles H. Firth, Editor, (6 volumes, London, 1913–1915), III. 1379.

[3] *Hudibras*, Henry Morley, Editor, (London, 1885), 245.

Prynne, Barbon, and Bunyan among the writers; Hampden, Lenthall, Ireton, Lambert, Cromwell, Thurloe, Marten, and Bradshaw among the political and military figures. Ten wear hair reaching onto the shoulders; three, Prynne, Bradshaw, and Barbon, wear hair covering the ears—if we may include Prynne, who had, for half his life, no ears to cover. Is it significant that the two last came from humbler social origins and were not college men, were, that is, rather of the yeoman class than the gentry—in Bunyan's phrase, "of a low and inconsiderable Generation"?

William Prynne contributed to the discussion of hair the most famous item, *The Unlovelinesse of Love-Lockes*, and probably spoke—perhaps we should say shrieked—for extremist opinion. Not for men like Milton, whom he attacked on the subject of divorce, and from whom he won literary immortality in the sonnet "The Forcers of Conscience, under the Long Parliament"; but the austere type of Puritan shared his views, and his book, though not so far as I know reissued, was probably known to New England Puritans. The writer felt that he faced a grave situation, declaring that it is "now held the accomplished Gallantrie of our youth, to frizle their Haire like Women: and to become Womanish, not onely in exilitie of Voyce, tendernesse of Body, leuitie of Apparell, wantonnesse of Pace, and Gesture, but euen in the very length, and Culture of their Lockes, and Haire."[1] Prynne's title implies an attack only on "those who onely suffer a little part, and parcell of their Haire to grow long, cutting the rest as others do"; but his "Precept is a vniuersall Negative," he says, and he stresses lovelocks merely because "wearing of these Love-lockes, is as great, (if not a greater) badge of Leuitie, Vanitie, Singularitie, and Effeminacy, as the nourishing of all the Haire. . . ."[2] His argument rests chiefly on Paul. If "nature" has anywhere suggested long hair to men, it is only the heathenish and idolatrous nature of the American Indian, Tartars, Mexicans, and "Chinians," and is plainly inspired of the Devil. Prynne urges consideration of the time wasted and the cost: are there not many hundreds whose "heads are almost as chargeable, and expensiue to them, as their backes, or bellies? whose Barbars stipend doeth exceede their Ministers . . . who spend more weekely, quarterly, or monethly on their Hairie excrements, then they bestow Annually, on Christs poore members?"[3] Wearers themselves can urge nothing but conformity with a fashion and really aim at singularity.[1] The Biblical custom of the Nazarites is conclusive: "this example doeth evidently proue; that all men else, are not to nourish, but to clip and cut their Haire. . . ."[2] There can be no real distinction in producing an effect within the capacity of any "Page, or Foote-boy, euery Groome, or Coach-driuer, euery loytering Rogue, or Cheating Rooke; euery Ragged, and Raggamuffin Souldier: euery Nasty, or strange-sented Frenchman: euery Runnagado, Light-footed, or False-handed Irish-man; or euery Sorded, Base, Deboist, and Rascall person. . . ." Horses, for that matter, far exceed our capacity in length of hair![3] In short (so far as Prynne is capable of brevity) "an Effeminate, womanish, and *affected sprucenesse*, *or concinnitie*, (especially, in Haire and excrements, the lowest and most inferiour parts of man,) *is no Ornament*, *Grace*, *nor Comelinesse*, *but rather a deformitie*, and *disrespecte to men:* as being vnsuitable to their Magnanimous, Masculine, and Heroicke sexe."[4]

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[1] Prynne, *Unlovelinesse of Love-Lockes*, [v]. [2] *Ibid.*, 10. [3] *Ibid.*, 29.

It is in New England Puritanism that we expect and find more evident scruple about hair; for the New Englanders had in many instances left England exactly for some scruple about ritual or belief and were men incapable of any cheerful indifference even in matters of slight consequence. In his very intelligent history of Massachusetts, Thomas Hutchinson, the last royal Governor, remarks:

> In every age, indifferent things have been condemned as sinful, and placed among the greatest immoralities. The text against long hair, in Corinthians, as contrary to the custom in the apostle's day, induced our ancestors to think it criminal in all ages and all nations, and to look upon it as one of the barbarisms of the Indians. I have wondered that the text in Leviticus, "Ye shall not round the corners of your heads," was never brought against short hair. The rule in New-England was, that none should wear their hair below the ears. In a clergyman it was said to be the greater offence; they were in an especial manner required to go *patentibus auribus*.[5]

Short hair would seem, at least in the case of Sir Henry Vane, to have been almost a condition of admission into Puritan society. Hutchinson remarks elsewhere that Vane

> made great professions of religion, and conformed to the peculiar scruples of that day. I have seen a long letter wrote to him while he was on shipboard, by one of the passengers in the same ship, applauding him for honouring God so far as to

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[1] *Ibid.*, 21, 26–27. [2] *Ibid.*, 15. [3] *Ibid.*, 40. [4] *Ibid.*, 55.

[5] Thomas Hutchinson, *The History of the Colony and Province of Massachusetts-Bay*, Lawrence S. Mayo, Editor, (3 volumes, Cambridge, 1936), I. 130.

shorten his hair upon his arrival in England from France, and urging a compleat reformation by bringing it to the primitive length and form.[1]

A later biography of Vane quoted by Hutchinson adds:

> . . . seeing himself on all hands in an evil case, he resolved for New-England. In order to this, striking in with some nonconformists which intended that way, his honourable birth, long hair, and other circumstances of his person, rendered his fellow travellers jealous [i.e., suspicious] of him as a spy to betray their liberty rather than any way like to advantage their design.[2]

The extant portraits of Vane show profuse hair reaching the shoulders and were probably painted after his return to England.[3]

"The scrupulosity of the good people of the colony," Hutchinson continues, was at its height about 1649, the year of Governor John Winthrop's death. "Soon after Mr. Winthrop's death, Mr. Endicot, the most rigid of any of the magistrates, being governor, he joined with the other assistants in an association against long hair," as appears in a document quoted from the Harvard College Records:

> Forasmuch as the wearing of long-hair, after the manner of Ruffians and barbarous Indians, has begun to invade New-England, contrary to the rule of God's word, which says it is a shame for a man to wear long hair, as also the commendable custom generally of all the godly of our nation, until within this few years.
>
> We the magistrates who have subscribed this paper (for the shewing of our own innocency in this behalf) do declare and manifest our dislike and detestation against the wearing of such long hair, as against a thing uncivil and unmanly, whereby men doe deforme themselves, and offend sober and modest men, and doe corrupt good manners. We doe therefore earnestly entreat all the elders of this jurisdiction (as often as they shall see cause) to manifest their zeal against it in their publike administrations, and to take care that the members of their respective churches be not defiled therewith; that so, such as shall prove obstinate and will not reforme themselves, may have God and man to witness against them. The third month 10th day 1649.
>
> JO. ENDICOTT, *governor*
> THO. DUDLEY, *dep. gov.*
> RICH. BELLINGHAM
> RICHARD SALTONSTALL
> INCREASE NOWELL
> WILLIAM HIBBINS
> THOMAS FLINT
> ROB. BRIDGES
> SIMON BRADSTREET[4]

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[1] *Ibid.*, I. 57. [2] *Ibid.*, I. 59.

[3] I.e., a portrait by Dobson, in the National Portrait Gallery (cf. *Historical Portraits, 1600–1700*, 124); a canvas attributed to Lely, which was in the Tercentenary Exhibit of 1930 at the Museum of Fine Arts, Boston, (*Loan Exhibition of One Hundred Colonial Portraits*, 90). See also Charles K. Bolton, *Portraits of the Founders* (3 volumes, Boston, 1919–1926), II. 491–492.

[4] Hutchinson, *History of Massachusetts-Bay*, I. 130. From a letter in my possession, written by Deputy-Governor Thomas Dudley, eleven days after the manifesto, it appears that a vain attempt was made to have the deputies concur in an enactment to the same effect, failing which "all that now can be done is that the magistrates doe entreate the Elders to preach against it and doe their best to purge their Churches of it."

Of four of the nine signers we have authentic portraits: Bellingham's hair leaves the ear lobe visible; Saltonstall's generously covers his ears; Bradstreet's and Endecott's fully reach the shoulder, two or three inches below the ear.[1]

Six years later, May 4, 1655, when Endecott was Governor, Harvard College, under President Charles Chauncy, issued a codification of College rules.[2] Length of hair was subject to regulation in the practice of old Cambridge, where in 1636 wearing of long hair was forbidden;[3] and Laud ordered his Vice-Chancellor at Oxford to suffer none "youth or other . . . to wear their hair undecently long."[4] The threat of expulsion as punishment had, upon Charles I's visit to Oxford in 1635, driven at least one student to take a vacation to save his hair;[5] and Cambridge had a story of an irate President of Trinity who seized a transgressing student and cut off his hair on the buttery hatch with a bread knife.[6] The rule in new Cambridge decreed: "neither shall it bee lawfull for any to weare Long haire, Locks or foretopps, nor to use Curling, Crisping, parting or powdering their haire."[7]

This restriction was defended by President Chauncy in his Commencement sermon of 1655, printed under the title, *Gods Mercy, Shewed to His People*. It constitutes the fullest discussion—objections stated and answered—that I know in the Puritan literature of the colonies. He states Paul's admonition as the guiding principle: "it is against the law and dark princ[i]ples of nature, much more against grace and the word of grace, *yea it is a shame* (*if persons be not quite past shame*) for men to weare long hair. . . ."[8] The example of the Nazarites is variously dismissed, but conclusively by Prynne's point:

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[1] Bolton, *Portraits of the Founders*, II. 357, 387, 461, III. 731; Museum of Fine Arts, Boston, *One Hundred Colonial Portraits*, 79, 14, 33.

[2] Printed, from Chauncy's manuscript copy, in *Publications of the Colonial Society of Massachusetts*, XXXI. 328–339.

[3] J. B. Mullinger, *History of the University of Cambridge* (3 volumes, Cambridge, England, 1873–1919), III. 107; cf. 132.

[4] Quoted, with further references, in Samuel E. Morison, *Harvard in the Seventeenth Century* (Cambridge, 1936), I. 87–89.

[5] *Memoirs of the Verney Family*, Frances P. Verney, Compiler, (4 volumes, London, 1892–1899), I. 160.

[6] John Aubrey, "*Brief Lives*," *Chiefly of Contemporaries, Set Down by John Aubrey, between the Years 1669 and 1696*, Andrew Clark, Editor, (Oxford, 1898), II. 21.

[7] *Publications of the Colonial Society of Massachusetts*, XXXI. 330.

[8] Charles Chauncy, *Gods Mercy, Shewed to His People* (Cambridge, 1655), 24–25.

"They only amongst the people of God did nourish it [their hair], and none else therefore this example doth evidently prove that all the rest of Gods people . . . did not nourish their haire, so Christians are now to cut their hair unless they can find any where (which was never yet found) that the Commandement of the Lord hath allowed it."[1] It is to the credit of the academic mind that it sees the real issue and states it fairly.

> *Object*[*ion*]. It is true that the Lord hath forbidden unto men long hair, but what is long hair? can any man prescribe out of the word of God any set size for mens hair? if this cannot be done, why should any be offended at our hair as if it were long. . . .
>
> *Answ*[*er*]. . . . That he that would keep a good conscience in such cases and controversies, wherin there appears any doubt, will make choise of the surer part . . . short hair we may be sure will neither offend God nor good men, but long hair may and doth offend both. . . .
>
> The Scripture seems plainly to prescribe unto men the length of their hair, *Ezek.* 44.20. compared with *Lev.* 19.27. and 21.5. *They shall neither shave their heads, nor suffer their locks to grow long, they only shall poll their heads*, now every one understands what is meant by polling of the head, it signifies the *cutting of the hair short, and all locks*, and to nourish any part thereof is contrary therunto and to the word of God. But lest I should digress too farr, thus I finish. . . . Take heed of that fearfull threatening *Psal.* 68.21. *God shall wound the hairy scalp of such a one as goes on still in his wickedness.*[2]

Thus the admirable academic mind appears to answer our question "How long is long?" by saying it means *long*, since *short* means *short.*

Seventeen years later, public opinion was probably becoming indifferent; but twenty-four petitioners, mostly from Roxbury, used the occasion of an appeal for contributions to the College to address to the magistrates a protest against long hair. The College youth, it appears,

> are brought up in such pride as doth no wayes become such as are brought up for the holy service of the lord, either in the magistracy, or ministry especialy, and in perticular in their long haire, which lust first took head, and brake out at the Colledg so far as we understand and remember, and now it is got into our pulpets, to the great greife and offence of many godly hearts in the Country.
>
> we find in the scriptures that the sons of the prophets, and such as were dedicated to god, were brought up in a way of mortification and humility. we beseech you to consider amos. 2.11.12. I raised up of your sons to be prophets and of your

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[1] *Ibid.*, 25.

[2] *Ibid.*, 26–28. Chauncy's sermon was dedicated to Governor Endecott and Deputy-Governor Bellingham; the latter, as has been noted, wore hair to cover his ears, but the governor wore his well onto the shoulders.

> young men to be nazarites, is it not even thus o ye children of Israel saith the lord, but ye have given the nazarits wine to drink. Consider also pro. 16.31 the hoary head is a crowne of glory if it be found in the way of righteousnesse, and are those haires so found, that are defiled with this lust? we beseech you consider, whether all other lusts which have so incorigibly brake in upon our youth, have not first sprung from the incorrigablenesse of this lust our humble request is that you would please to use all due indeavours to cure this evyl.[1]

Of the signers none, so far as I can discover from Sibley, was a Harvard graduate. But six at least sent sons to the College: the Apostle Eliot, the only famous signer, sent four boys, all of whom had, at the time of the petition, graduated; John Watson and John Bowles[2] had each a son recently graduated; Edward Payson had a boy still in the College; Daniel Brewer and Samuel Williams later sent each a boy. The petitioners were apparently of the older generation. One is known[3] to have been past ninety; Eliot was then sixty-eight. Among them I am amused to see the name of Robert Seaver, who, according to the belief in my family, came to Boston, already adult, in 1634; he would have been elderly at the date of the petition. We may be sure that the judicial competence of the group was compromised to the extent of including at least nine old men. The petition was surely of Eliot's inspiration—indeed it is endorsed "Mr. Elljots etc. peticion" —and the signers were probably his parishioners, sharing his famous scruples about hair. The Apostle himself, of whom unfortunately no authentic portrait exists,[4] is described in a characteristic paragraph of Cotton Mather's *Magnalia* as

> . . . in all Regards, *A Nazarite indeed;* unless in this one, that *long Hair* was always very *loathsome* to him. . . . Doubtless, it may be lawful for us to accommodate the *length* of our *Hair* unto the modest *Customs* which vary in the *Churches of God*. . . .
>
> Thus Mr. *Eliot* thought that for *Men* to wear their *Hair* with a Luxurious, Delicate, Fæminine Prolixity; or for them to preserve no plain Distinction of their Sex, by the *Hair* of their Head and Face; and much more, for Men *thus* to disfigure themselves with *Hair* that is *None of their own*; and most of all, for

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[1] Communicated to the Society by Dr. Samuel A. Green, just fifty years ago. 2 *Proceedings*, IX. 99.

[2] Young John Bowles two years later took his second degree, and Sewall records (July 21, 1674): "Sir Bowles Commonplaced. His subject was the Creation of the Soul." 5 *Collections*, V. 5. Bowles married in 1681 Sarah Eliot, granddaughter of the Apostle.

[3] See Dr. Green's comment in 2 *Proceedings*, IX. 98.

[4] The dubious portrait reproduced in Justin Winsor, *Memorial History of Boston* (4 volumes, Boston, 1881), I. 261, and, better engraved, in Bolton, *Portraits of the Founders*, II. 573, shows hair generously covering the ears.

Ministers of the Gospel to ruffle it in Excesses of this kind; may prove more than we are well aware, displeasing to the *Holy Spirit* of God. The *Hair* of them that professed Religion, long before his Death,[1] grew too *long* for him to swallow; and he would express himself continually with a *boiling Zeal* concerning it, until at last he gave over, with some Regret complaining, *The Lust is become Insuperable*![2]

How long then is "long"? The answer would seem to be, not longer than to cover the ears. In all the discussion I discover but one fairly precise statement: Deputy-Governor Thomas Dudley, signer of the 1649 manifesto, wrote at the same time: "When you conclude that the haire may cover the hole of the ear and nape of the necke; and that it should be so worne that it be wthout offense of the godly wise as you say, I fully agree and conclude with you."[3] Yet the shoulder locks of so many English Puritans, and of a dozen New Englanders, including Governor Endecott,[4] Edward Rawson,[5] William Stoughton,[6] Samuel Sewall,[7] and Governor John Leverett,[8] would suggest that that objection applied not so much to mere length as to some ostentation or eccentricity—such as the lovelock—to a "Luxurious, Delicate, Fæminine Prolixity." Long hair could be worn with a difference, and without offense.

There remains the briefer topic of "Wigs and Wickedness." Wigs to conceal baldness are as old, doubtless, as baldness and excited the early Christian moralist. Wigs were apparently worn by men for baldness, but by women also for ornate effects of coiffure not attainable by natural hair. Clement of Alexandria declared it, in the wording of Prynne, a "very wicked thing, to attire the head, with dead and ascititious Haire": the Elder, it seems, would in giving blessing lay his hand in vain, not on the real man but on another's hair![9] I am here concerned only with the fashion for all gentlemen to clip their natural hair and wear a wig made of that or of the hair of other persons.

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[1] In 1690. [2] *Magnalia Christi Americana* (London, 1702), Book III, 180.

[3] Manuscript letter in my possession. See note 4, page 10.

[4] The portrait of Governor Endecott, which is reproduced in Museum of Fine Arts, Boston, *One Hundred Colonial Portraits*, 33, is now in the State House, Boston.

[5] A portrait of Rawson painted about 1670 is owned by the New England Historic Genealogical Society.

[6] A portrait of Stoughton painted about 1685 is owned by the Boston Athenæum, and another is owned by Harvard University. Both show the hair quite over the shoulder.

[7] The portrait of Sewall, by John Smibert, is owned by this Society.

[8] A portrait of Governor Leverett is owned by the Essex Institute, Salem. A better one, in miniature, is reproduced in Bolton, *Portraits of the Founders*, II. 415.

[9] Prynne, *Unlovelinesse of Love-Lockes*, 17.

The first form of the stylish wig was the formidable "full-bottomed" peruke or periwig, made fashionable in France by Louis XIV and in England by the restored Stuarts.[1] The fashion lasted about a century. The cumbersome periwig—at first of moderate elevation but soon piled up in a surging heap of curls on top and overflowing the shoulders with a "prolixity" indeed—gave way to "tie" wigs of various types, all with little hair on top, with a puff or roll over the ear, and with a snug cluster behind, sometimes enclosed in a bag or tightly wound ribbon called a pigtail. These modest wigs yielded in turn to natural hair puffed over the ears, commonly—both wig and puffed hair—powdered white. In France intrepid persons with social prestige began emancipation from the peruke as early as 1747. The Duc de Luynes notes in his diary on December 21: ". . . M. le maréchal de Saxe arriva ici (à Versailles); il porte présentement ses cheveux qui lui donnent l'air plus jeune."[2] But the fresh laurels of Fontenoy (1745) were a glorious coiffure. At the Salon of 1748 the pastelist La Tour exhibited his portrait of Louis XV wearing a moderate wig powdered white, tied with a broad ribbon.[3] The obsolescence of the periwig in England is marked by the wigmakers' petition in 1765 asking royal help since men of all ranks were taking to wearing their own hair.[4] But the young George III had perhaps already taken to a tie wig, as appears in the beautiful portrait by Ramsay in the National Portrait Gallery, which appears so youthful it may well be a coronation portrait and date close to 1760. In New England the wigmakers by the middle of the century advertised a multitude of wigs less pretentious than the periwig.[5]

To the moralist the elaborateness of the periwig might seem at least vain and of unwarrantable expense. Prynne of course is vehement: "Wearing of counterfeite, false, and suppositious Haire is vtterly vnlawfull, though it bee now so rife and common, both in our Masculine, and Female sex." There is of course no precept or example for it in the Scriptures. Those

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[1] Pepys notes that the Duke of York appeared in a periwig, February 15, 1663/64, and King Charles on April 18, 1664. *Diary*, IV. 40, 105–106. He himself first donned one on November 3, 1663: ". . . [I] caused all my mayds to look upon it; and they conclude it do become me. . . ." *Ibid.*, III. 306. He was relieved to find that in public it did not attract embarrassing notice.

[2] Charles A. Sainte-Beuve, *Nouveaux Lundis* (13 volumes, Paris, 1869–1876), XI. 104.

[3] Paul Ratouis de Limay, *Le Louvre: Les Pastels du XVII^e^ et du XVIII^e^ Siècle* (Paris, 1925).

[4] *The Letters of Horace Walpole, Fourth Earl of Orford*, Mrs. Paget Toynbee, Editor, (16 volumes, Oxford, 1903–1905), VI. 188; B. S. Allen, *Tides in English Taste* (Cambridge, Massachusetts, 1937), II. 184.

[5] George F. Dow, *The Arts and Crafts in New England, 1704–1775* (Topsfield, 1927), 291.

> who dislike the quantitie, or qualitie of that Haire, which Gods wisdome hath assigned to them, and therefore purchase the hairie excrements of some other person, to Adorne and Beautifie their Heads with all; must needes incurre Gods Iudgement; because they taxe and censure God, and labour to correct, and change his Worke. . . . Wearing of false and counterfeite Haire, doeth alway arise from pride and vaine-glory: in that we desire to *be more beautifull, and comly then God hath made vs*: or from concupiscence, or vncleannesse, in that we seeke to inescate, and inamour those with this artificiall and acquisite Haire, and beautie, which our owne naturall Haire, and feature would not mooue: or from a vaine, and sinfull leuitie of minde, wherby we desire to take vp, and follow the vaine, abominable, wicked, and *worldly guises, fashions, and customes of the times, which Christians must abominate. . . .*[1]

By 1660, however, Puritan scrupulosity in England had eased up, and I know no later protests. Not so in New England, where the ethics of the periwig are earnestly considered in the famous passages in Sewall's diary. When on the Sabbath, September 13, 1685, four persons were received into the church, he notes that Benjamin Davis and Samuel Checkley wore periwigs.[2] Davis, despite this frivolity, became a substantial citizen and rose to be captain and major; and twenty years after, Sewall was one of the bearers at Davis's funeral. Checkley rose to equal respectability and higher military rank (colonel) and as Town Clerk thirty-six years later issued to Sewall the license for Sewall's third marriage. Another sober citizen appeared periwigged soon after Davis and Checkley: "Having occasion this day [November 6, 1685] to go to Mr. Hayward the Publick Notary's House, I speak to him about his cutting off his Hair, and wearing a Perriwig of contrary Colour: mention the words of our Saviour, Can ye not make one Hair white or black: and Mr. Alsop's Sermon. He alledges, The Doctor advised him to it."[3] Medical warrant might seem conclusive—Cotton Mather argued so in his life of Eliot—but the "contrary Colour" implied frivolity. A gratifying circumstance occurred a year later: "Novr. 29 . . . This day Wm. Clendon the Barber and Perriwig-maker dies miserably, being almost eat up with Lice and stupified with Drink and cold."[4]

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[1] Prynne, *Unlovelinesse of Love-Lockes*, 16–17. He gives a reference to Ovid "Arte Amandi lib 3"!

[2] 5 *Collections*, v. 95. [3] *Ibid.*, 102. [4] *Ibid.*, 158.

Before many years, however, periwigs began to appear commonly. Hutchinson dates the acceptance of them about 1690: "In England, perriwigs came into use soon after the restoration. In New-England, they were an eye-sore for thirty years after, and did not generally obtain until about the time of the revolution [*i.e.*, 1688]; and, even then, the example and authority of Dr. Owen . . . and other non-conforming ministers in England . . . who wore wigs, were necessary to remove all scruples concerning them."[1] New Englanders who had closest connections with England, who visited there or even had membership in the Royal Society, would inevitably conform with the fashions current among English gentlemen. Increase Mather was absent in London four years, April, 1688–May, 1692, leaving Cotton Mather, who was twenty-six years of age when his father left, in charge of his church. Sewall joined Increase Mather but returned in November, 1689. On March 19, 1690/91, he heard a sermon most offensive to his scrupulous mind:

> Mr. C. Mather preaches the Lecture from Mat. 24. [verse 51], and appoint his portion with the Hypocrites: In his proem said, *Totus mundus agit histrionem.* Said one sign of a hypocrit was for a man to strain at a Gnat and swallow a Camel. . . . To be zealous against an innocent fashion, taken up and used by the best of men; and yet make no Conscience of being guilty of great Immoralities. Tis supposed means wearing of Perriwigs. . . . I expected not to hear a vindication of Perriwigs in Boston Pulpit by Mr. Mather. . . .[2]

It would be interesting to know when, if ever, Increase Mather donned a wig, and when Cotton Mather first wore the profuse periwig familiar in Pelham's oil painting and in his mezzotint dated 1727, when Mather was sixty-five years old.[3] This Society's portrait of Increase Mather by Jan van der Spriett, certainly painted in London in 1688,[4] shows profuse curly hair that might be that of the earlier style periwig. Had he returned to Boston wearing a periwig, it seems almost certain that Sewall would have noted it; but Mr. Murdock's conclusion from Sewall's silence that neither Mather wore a wig during all the years of the diary does not seem so certain.[5] Clearly, before his father's return Cotton Mather, in the sermon Sewall records, at least implied that wigs were "an innocent fashion, taken up and used by the best of men"; and his father in four years' intercourse with London gentlemen probably had come to accept periwigs as a commonplace of fashion.

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[1] Hutchinson, *History of Massachusetts-Bay*, I. 130–131.

[2] 5 *Collections*, V. 342.

[3] Portrait in American Antiquarian Society, Worcester; reproduced in Museum of Fine Arts, Boston, *One Hundred Colonial Portraits*, 56.

[4] Kenneth B. Murdock, *The Portraits of Increase Mather* (Cleveland, 1924), 36–38.

[5] *Ibid.*, 54.

Clerical gentlemen frequently condoled with Sewall. On October 13, 1696, the Bradford minister, Zechariah Symmes, dined with him and "spake of the assault he had made upon periwiggs; and of his Repulses. Seem'd to be in good sober sadness."[1] The Salem pastor, John Higginson, gave him on November 13, 1697, "a Treatise against Perriwigs. . . . I mention'd Printing it. He said he would not have it done while he liv'd however."[2] Preposterous verses against periwigs submitted by Hugh Adams, pastor at Oyster River, New Hampshire, Sewall declined to encourage, writing to the gentleman to "Keep still at Oyster River, Labour in that part of Christ's Harvest: you may run into Worse Troubles. . . ." Mr. Adams's independent effort to publish his handiwork in Cambridge in 1722 failed because "no Printer there could be found without a Wigg, that would or dare print it. . . ."[3]

Offenders were numerous among the military; indeed in Prynne's time soldiers were notorious for ornate coiffure. Colonel Penn Townsend appeared in a periwig, April 7, 1701; and Major John Walley, on January 16, 1703/04, even on the Lord's Day.[4] Sometimes the Judge undertook remonstrance with the soldier, with which the soldier was frequently bewildered: "Capt. Clark took up his Wigg: I said would have him consider that one place; The Bricks are fallen etc. But here men *cut down* the sycamores. He seem'd startled."[5] Examination of the whole text (Isaiah ix. 10) leaves us equally in a daze: "The bricks are fallen down, but we will build with hewn stones: the sycomores are cut down, but we will change them into cedars." Captain Andrew Belcher, on January 12, 1705/06, justified his new wig on the score of health, and Sewall concedes that his hair was "grown a little thin."[6] On November 5, 1713, Sewall wrote: "I first see Col. Tho. Noyes in a swash Flaxen Wigg"[7]—apparently flaxen locks on the mature seemed to the purist too defiant.

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[1] 5 *Collections*, v. 435. [2] *Ibid.*, 463–464.

[3] Clifford K. Shipton, *Sibley's Harvard Graduates* (Cambridge, 1933), iv. 331–332.

[4] 5 *Collections*, vi. 33, 92.

[5] *Ibid.*, 93 (January 16, 1703/04). [6] *Ibid.*, 152–153. [7] *Ibid.*, 406.

The periwig appeared, however, even in ministerial households, and at last on ministers' heads. Josiah, third son of Sewall's close friend, the Reverend Samuel Willard, pastor of the Old South after 1678, was a lively youngster who had twice been in scrapes with young Sam Sewall that almost resulted in drowning. In June, 1701, young Willard, then just twenty years old, "cut off his hair (a very full head of hair) and put on a Wigg." His mother had heard the headstrong boy "talk of it; but was afraid positively to forbid him; lest he should do it, and so be more faulty." The father was unaware of what the youth had done, but "if he had known of it, would have forbidden him." Sewall writes in his diary:

> . . . I went to him this morning. Told his Mother what I came about, and she call'd him. I enquired of him what Extremity had forced him to put off his own hair, and put on a Wigg? He answered, none at all. But said that his Hair was streight, and that it parted behinde. Seem'd to argue that men might as well shave their hair off their head, as off their face. I answered men were men before they had hair on their faces, (half of mankind have never any). God seems to have ordain'd our Hair as a Test, to see whether we can bring our minds to be content to be at his finding: or whether we would be our own Carvers, Lords, and come no more at Him.

The Judge then cited models: the young man's father and older brother, Mr. Pemberton, his father's colleague in the pulpit, and other exemplary contemporaries. "Pray'd him to read the Tenth Chapter of the Third book of Calvins Institutions. I read it this morning in course, not of choice." The appropriateness of Calvin's chapter proves to be indeed rather casual: it is a singularly temperate suggestion—quite without mention of hair—that, though condemning the "very dangerous error of imposing on the conscience stricter rules than those which are prescribed to it by the word of Christ," yet urges that we avoid not only "excessive delicacy . . . and fastidiousness in our . . . apparel, but every care and affection which would either seduce or disturb from thoughts of the Heavenly life." Young Willard agreed—or at least "seem'd to say"—that he would leave off his wig "when his hair was grown to cover his ears."[1]

Five months later the young man in his father's pulpit substituted for Mr. Pemberton. Judge Sewall "spent this Sabbath at Mr. Colman's, partly out of dislike to Mr. Josiah Willard's cutting off his Hair, and wearing a Wigg," convinced, as he wrote, that "He that contemns the Law of Nature, is not fit to be a publisher of the Law of Grace." Sewall had, however, the tact to worship at Benjamin Colman's church the *whole* day, lest avoidance of young Willard *only* should be "more gravaminous to Mr. Willards friends."[1]

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[1] 5 *Collections,* VI. 36–37.

Even the clergy, at last, began to adopt the wig, already in use in England. Young Benjamin Wadsworth, a figure respectable enough to become President of Harvard, appeared at Lecture on October 24, 1706, "in his Perriwigg";[2] and Sewall notes wistfully that schoolmaster Cheever, who "abominated Perriwigs,"[3] "is griev'd at it." That Nathaniel Henchman, the Boston bookbinder and merchant, whom Sewall considered shady in business,[4] should appear (April 3, 1708) "with his Flaxen Wigg" was to be expected; but the exemplary Mr. Pemberton himself succumbed on August 18, 1715, and to a "Flaxen Wigg" at that![5] The cause was evidently lost, and Sewall's other entries are mournful lists of the dwindling band that still "objected against Wiggs."[6]

The aging Judge was himself put to a cruel test when Madam Winthrop, in the midst of his courting, "spake somthing of my needing a Wigg"; but he held to his conviction: "As to a Perriwig, My best and greatest Friend, I could not possibly have a greater, began to find me with Hair before I was born, and had continued to do so ever since; and I could not find in my heart to go to another. She commended the book I gave her, Dr. Preston, the Church Marriage; quoted him saying 'twas inconvenient keeping out of a Fashion commonly used."[7] So far as the diary reveals, the point was received with respectful silence. We could almost find something of heroism in this fidelity to scruple if there were more of romance in a widower, survivor of two wives and father of fourteen children, courting in his sixty-ninth year a widow of two husbands and mother of twelve children in her fifty-seventh.

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[1] *Ibid.*, 48–49.

[2] *Ibid.*, 171.

[3] *Ibid.*, 231.

[4] Shipton, *Sibley's Harvard Graduates*, VI. 192.

[5] 5 *Collections*, VII. 54.

[6] 5 *Collections*, VI. 246, 331.

[7] 5 *Collections*, VII. 270, 272.

Libertine Ideas in the Time of Richelieu and Mazarin

By Edward Motley Pickman[1]

Introduction

In the second quarter of the seventeenth century France was not yet the power she was soon after to become. South of her were the Catholic powers: Spain, the Empire, and the Papacy; north of her, the Protestants of England, Holland, northern Germany, and Sweden. France was in danger of being crushed between the two.

It became Richelieu's, and later Mazarin's, task to avert this danger, and, although France was predominantly Catholic, she could not afford to let the Catholic alliance get too strong. Richelieu, therefore, although holding down the Protestants in France, supported them abroad.

Intellectually predominant were the great religious orders, but the most powerful of these, the Dominicans and the Jesuits, had their roots in, and therefore took their cues from, Italy and Spain. That is why Henry IV distrusted them, and why Richelieu, when in 1624 he came into power, distrusted them, too. But Richelieu equally distrusted the Protestants and those who, like the then new-born Jansenists, resembled them: all these groups were international, and their first, if not their only, loyalty was not to the King, but to God. This was probably why the common enemy of all these—the Libertine, skeptic, and unbeliever—was not only tolerated by Richelieu—the persecutions stopped abruptly in 1624—but even, if surreptitiously, favored. This was why La Mothe le Vayer became one of Richelieu's secretaries and, under Mazarin, preceptor in 1652 of the young Louis XIV; why, in 1626, Théophile was pardoned; why Gassendi, having in 1624 been forbidden to teach anything contrary to Aristotle, was, in 1645, called to Paris to teach a philosophy which was radically contrary. Finally, this was why Naudé, who would have become librarian to Richelieu had that minister not died, held that office for the next eleven years under Mazarin.

In these still largely feudal years loyalty—as Corneille was so soon to attest—seemed a great virtue, and this because disloyalty was so frequent a vice. The party out of power commonly intrigued—as during the Fronde—with the enemy, and there was always the danger that this might not stop when it got in. But the Libertines, by and large, had no conflicting loyalties, feudal or religious; and, in so far as they might also choose to serve God, it was their own personal God, who had a particular love for France.

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[1] This paper was read at the October, 1945, meeting.

This is not to suggest that during these years the Libertines ruled France, but only that the Libertine spirit—independent, skeptical, and pragmatic—gave assurance of a patriotic spirit, too. It has been surmised that both Richelieu and Mazarin were themselves Libertines. Certainly they were such to the extent that the reason why they acted as they did was the *raison d'état.*

Of course the Libertines were otherwise important, too, if only because they formed the link between their more famous masters, Montaigne and Charron, and their also more famous disciples, Saint-Évremond, La Rochefoucauld, Retz, Cyrano, Ninon de Lenclos, La Fontaine, Molière, and the young Pascal. And it was these latter who vied with the Cartesians for the perhaps doubtful honor of launching, through Bayle and Fontenelle, the age of Voltaire and the Encyclopedists.

I

According to Garasse

The ancient philosophers had inspired the Renaissance, and, in France, Montaigne and Charron became their most influential interpreters. Montaigne had chiefly doubted. But Charron had actually denied, and denial involves assertion: in his famous *De la Sagesse* (Bordeaux, 1601) he had, inspired probably by pagan texts, asserted that religion was a product of time, place, and custom, that a morality based on fear of Hell was unworthy of men and therefore untrustworthy;[1] and, speaking of God, that "there is no evidence that he made himself man."[2] Since, during the first decades of the seventeenth century, this book was widely read, it was undoubtedly the immediate source of what soon after came to be known as the Libertine philosophy.

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[1] François T. Perrens, *Les libertins en France au XVII^e siècle* (Paris, 1896), 56–57.

[2] François Garasse, *La doctrine curieuse des beaux esprits de ce temps, ou prétendus tels* (Paris, 1623), 274–275.

Following the assassination of Henry IV in 1610, the Church, fortified by Jesuit initiative, undertook to check the spread of these ideas. In 1619 the Italian, Vanini, in 1621 Jean Fontanier, and in 1622 Claude Le Petit, were burnt at the stake as unbelievers.[1] And in 1623 Théophile de Viau, the poet, was also condemned and barely escaped with his life. Théophile had had a part, perhaps a large part, in writing an impious as well as obscene book entitled, *Le Parnasse des poëtes satyriques,*[2] and it was in order to denounce and refute it that in this same year, 1623, the Jesuit scholar, François Garasse, wrote his *La doctrine curieuse des beaux esprits de salon, ou prétendus tels.*

According to Garasse these *beaux esprits* hold two views: the Libertine proper and the atheistic, and the one tends to lead to the other.[3] The harm begins when the *bel esprit* feels free to believe what he chooses, refusing to be taken in by the popular beliefs which are "cluttered with little absurdities suited to simple minds."[4]

Next, in order to be consistent, he feels he must also free himself from the morality and behavior associated with such puerilities, must indulge rather than repress his passions. At this stage, explains Garasse, the *bel esprit* is still a mere Libertine, because he still believes in God and Hell, but he chooses always to postpone contrition and amendment, thereby falling ever further from religion till he winds up as an inveterate atheist.[5] Garasse writes in the hope of checking this *bel esprit* while he is still in the first stage.[6]

Actually, as will be seen from Garasse's own testimony, most of these atheists were in fact what we should call Deists; for, although they do deny most of the fundamental Christian dogmas, they do not deny the existence of God. As Garasse ironically describes their attitude:

> It is sufficient to believe in God without bothering one's head to inquire into curious matters of no consequence such as the Incarnation of the Messiah, the Eucharist, the general Resurrection, Paradise and Hell.[7] While as to Purgatory, Indulgences, Holy Water, and *Pain Benit,* these are merely the trash of religion. *Non captant aquilae muscas.* A *bon esprit* is not amused by these baubles, good only in order to hold the weak-minded populace and the bigotry of women.[8]

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[1] Henri Busson, *Les sources et le développement du rationalisme dans la littérature française de la renaissance, 1533–1601* (Paris, 1922), 630.

[2] Perrens, *Les libertins en France,* 77.

[3] Garasse, *La doctrine curieuse,* 36–37.

[4] *Ibid.,* 205.

[5] *Ibid.,* 36–37.

[6] *Ibid.,* 40.

[7] Cf. *ibid.,* 795.

[8] *Ibid.,* 207.

A major subject of dispute was the Devil: Garasse says that a Huguenot parson in Amsterdam preached that the Devil must be more powerful than God because he tricked Adam, crucified Christ, and had accumulated in Hell one thousand times as many souls as God had accumulated in Heaven. Garasse can only object to the latter allegation that the percentage is greatly exaggerated. The Libertines, of course, went to the other extreme: "To say that there are no Devils in the world is a proposition current among the Libertines."[1] And one of the reasons they gave was that "The Fall of the angels and the nature of the Devils is feebly proved in the Bible and resembles what the fables tell about giants."[2] However, Garasse insists, "that there are Devils in the world is a truth that all good men believe, and these men furthermore regard them as their sworn enemies."[3] In an earlier passage Garasse had said that "Both theology and ecclesiastical history teach us that the Devil, being unable of himself to do all the harm he wants to, employs the help and assistance of men, just as hunters who cannot catch birds with their own hands, take advantage of the treason of some of these birds, whom they equip and train for the destruction of the rest."[4] From these passages the vicious circle of the witchcraft horror is manifest: Garasse, instead of discouraging, encourages those deluded people to believe they were in communication with demons, and, having thus incited them to treason, obtains their conviction by their own confessions.[5]

Encouraged also by the Church was the popular belief in the activity on earth of beneficent spirits—once also called demons but termed angels by the Christians. Garasse does not accuse the atheists of denying the activity of saints, as well as of angels, but that they were inclined to, he feels certain; for they believe that "There are neither angels nor devils in the world, and that there is no assurance of the immortality of man's soul."[6] And without immortality there can be no saints. Moreover, says Garasse, these men question Biblical authority: "They say further that it is true that the book called the Bible, or Holy Scripture, is a nice book which contains a lot of good things, but that to believe under pain of damnation everything that is in it, even to the tail of Tobias's dog, is preposterous."[7]

In so far as these Libertines were not wholly skeptical, but held positive beliefs, they are, he says, of two kinds. Some claimed "that everything is governed by Fate, which is irrevocable, infallible, immutable, necessary, cruel and inevitable, regardless of what they may do [to evade it]."[1] Under this heading Garasse includes the Manichees and Astrologers—although there is no other evidence that this was a characteristic Libertine belief. Possibly Garasse had in mind the Stoical inclination as exemplified not long before by Du Vair; or even the Augustinian revival among the Jansenists and Oratorians, for Augustine's enemies had during almost every century accused him of being a virtual Manichee, and his adoption by the Protestants had rekindled this antagonism. As to astrology, it was rather the Aristotelian cosmology, so long defended by the Jesuits, with its First Mover transmitting energy and so life to the earth via the seven spheres, which gave plausibility to that persistent superstition. It was rather those who, like the Jesuits, shared the belief in the intervention of the supernatural powers of saint, angel, and demon—denizens of the upper air—who kept astrology alive. It is true that these Aristotelians had substituted the living God for a dead Fate, and that Augustine's God, on the other hand, was in danger, in the hands of certain Oratorians (and later Descartes), of becoming a philosophical, and even scientific, Cause, rather than a solicitous Father. On the other hand, astrology was the very type of superstition which Libertine and Oratorian were the first to denounce, and it was rather Gassendi, classed as a Libertine, and Descartes, under Oratorian influence, who first, by championing the new science of Copernicus and Galileo, discredited the age-old belief in the control of the stars and planets over the affairs of men.

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[1] *Ibid.*, 843. [2] *Ibid.*, 822. [3] *Ibid.*, 843. [4] *Ibid.*, 5.

[5] Gabriel Naudé, *Apologie pour tous les grands personnages qui ont été faussement soupçonnez de magie* (Paris, 1625), I. § 15. [6] Cf. *ibid.*, 805, 793. [7] *Ibid.*, 469.

The other belief towards which the Libertines were tending is, according to Garasse, "that there is no other divinity or sovereign power in the world than Nature, whom one must satisfy in all things, refusing nothing to our bodies or our senses of what they desire from us in the exercise of their natural powers and faculties."[2] Here Garasse is more or less right. For evidently, as faith in the Christian Revelation faded, so, too, did the faith in a personal God or Providence. But on this last point he is less categorical, doubtless because at that point the Libertine himself became so. Indeed, Garasse says as much: "The *beaux esprits* believe in God only from discretion and because of public policy."[3] The Protestants, by the Edict of Nantes, could not be punnished, as Garasse may have wished that they could be.[1] But these Libertines were not even heretics: they did not believe in Christ, they did not even pray[2]—they were atheists, and as such could legally be burnt.

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[1] *Ibid.*, 327. [2] *Ibid.*, 675. [3] *Ibid.*, 99.

Garasse had reason to be disturbed: according to the scientist Mersenne, a Franciscan and a friend of Descartes, there were in Paris in 1624 some fifty thousand atheists[3]—which means one out of every ten souls.[4]

II

La Mothe le Vayer

Garasse's testimony is of special value because the Libertine texts were, for good reasons, couched in equivocations. Thus François de La Mothe le Vayer, in his boldest work, the *Dialogues* by "Oratius Tubero,"[5] published in 1630–1633,[6] not only uses the form of a dialogue—with the author thereby not committing himself—but takes care that the straw man designed as his mouthpiece shall invariably manifest a lordly impartiality towards all opinions—as equally untrustworthy.[7]

La Mothe, born in Paris in 1588,[8] was from the lesser nobility of Brittany, and later of Maine. He was small, ugly, capricious, contradictory, and vain. But he was also irreproachable in behavior and never fawned on or flattered the great.[9] Generally respected, he was charged by Richelieu in 1641 to write a philosophical refutation of the *Cyranists*,[10] and in 1652 he was selected by Anne of Austria[11] to be preceptor of the young Louis XIV, a position which he held until 1656,[1] when Louis became eighteen years old. We have no word on what his influence may have been, but it suggests interesting speculations.

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[1] Garasse calls them "near relations and allies of our atheists." See Perrens, *Les libertins en France*, 82.

[2] Said Garasse, according to Perrens. *Ibid.*, 82.

[3] *Ibid.*, 14. Probably an exaggeration: *Histoire de France depuis les origines jusqu'à la Révolution*, Ernest Lavisse, Editor, (9 volumes, Paris, [1911]), IV, Part II. 204.

[4] Charles Giraud, *Oeuvres mélées de Saint-Évremond* (3 volumes, Paris, 1865), I. 67, estimates the population of Paris in 1650 at about half a million.

[5] François de La Mothe le Vayer, *Dialogues faits à l'imitation des anciens, par Oratius Tubero* (pseudonym). See Florence L. Wickelgren, *La Mothe le Vayer, sa vie et son œuvre* (Paris, 1934), 286–291, for bibliographical information.

[6] La Mothe le Vayer, *Deux dialogues*, Ernest Tisserand, Editor, (Paris, 1922), Introduction, 19; Wickelgren, *La Mothe le Vayer*, 71.

[7] Wickelgren, *La Mothe le Vayer*, 40, 58, 72–73.

[8] *Ibid.*, 3.

[9] Perrens, *Les libertins en France*, 54, 123. Cf. La Mothe's Introduction to *Dialogues.*

[10] Or Jansenists: Perrens, *Les libertins en France*, 131.

[11] Wickelgren, *La Mothe le Vayer*, 12.

La Mothe was known in his lifetime, and still is, as the spiritual heir of Montaigne, just as his spiritual mother, Mlle. de Gournay, was known as Montaigne's spiritual daughter. On her death in 1645 she bequeathed him Montaigne's library.[2] Nor was he an unworthy heir, for he was as devoted an admirer of the ancients as Montaigne had been, and, except that he trusted his senses more,[3] just as skeptical. To him the great age of the world was that of Cicero and Seneca, the Augustan Age, and his reasons for admiration were that the Stoic, Epicurean, and skeptical philosophies were then in vogue, that freedom of thought and speech prevailed, and that morals were grounded on Nature.

Garasse had attacked the Libertines because they scorned popular and current opinion, cultivating instead an esoteric or cabalistic belief. He apparently forgot that any belief punishable with death will stay underground and will show no respect for the popular opinion which invokes such a penalty. As La Mothe's "Oratius" says, "Because there is nothing so inimical to our happy suspension of judgment as the tyrannical pigheadedness of popular opinion, I have always thought that it was against the torrent of the crowd that we should devote our main energies, and that when we have overcome this monster of the populace, we shall easily prevail over all other difficulties."[4] He evidently tried, like Descartes somewhat later, to make up his own mind regardless of tradition and of fashion—of time or space. If he did not thereby conceive original ideas, this may have been less because of his innate capacities than because he was still a humanist and scholar, and not, like Descartes, a violent convert to the new science which was to overthrow not only Christian, but also pagan, belief. Yet he had no patience with quantitative or conventional opinion, and, if he did not expound any new ideas, he at least freely chose ideas which were, in his day, not only unpopular, but dangerous.

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[1] La Mothe le Vayer, *Deux dialogues,* 24.

[2] *Ibid.,* 60; Wickelgren, *La Mothe le Vayer,* 61.

[3] Wickelgren, *La Mothe le Vayer,* 86; and cf. 100.

[4] La Mothe le Vayer, *Dialogues,* v: "De la Divinite," § 1. See La Mothe le Vayer, *Deux dialogues,* 253 (3).

Having adopted the skeptical view, he proceeded to render it as palatable as possible. It was, he argued, the ideal attitude for a scientist, because science, although concerned with the natural world, is not too well understood, and its principles and hypotheses are no more than probabilities.[1] Therefore, to start with preconceived dogmatisms may prove fatal. How should one proceed from skepticism to knowledge? Whether by innate intuitions, by reason,[2] or by experience, he does not specifically say.

Further, he argued, again as palatably as he could, that skepticism was also the ideal introduction to the Catholic faith,[3] and to this purpose he quotes St. Paul and Ambrose rather aptly: as an admirer of Epicurus he must have taken particular satisfaction in recalling that Ambrose had declared in his *Offices* that Aristotle "was much more to be feared than the gardens of Epicurus."[4] And he proceeds to allege that not only did Aristotle hold the world to be eternal and uncreated, but also that there was no God, and that even his theory of the First Mover was only one unproved hypothesis out of many.[5]

Of the proofs of the existence of God, moreover (he summarizes many of them), none is at all convincing.[6] And the least convincing is that the order and harmony of the universe are proof of an intelligent Cause.[7]

> Now the truth is that we observe in it an infinite number of defects, a thousand monsters which are a mortification to nature, so many rivers, which ruin the land or else fall uselessly into the sea, yet which might render fertile lands which are deserts from their excessive aridity, and so many bolts of lightning which strike uselessly on the peaks of the Caucasus while leaving every kind of crime unpunished.[8]

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[1] [La Mothe le Vayer], *Discours pour monstrer que les doutes de la philosophie sceptique sont de grand usage dans les sciences* (Paris, 1669), 89 and 144, where he concludes that science is as yet nothing more than "un ramas d'opinions contestées." The book was first published anonymously, but his authorship is not questioned. See La Mothe le Vayer, *Deux dialogues*, 28. The copy in the Harvard College Library is inscribed: "Du don de L'autheur Mr. mon cousin de La mothe Le vayer ce 28 Juillet 1669."

[2] See [La Mothe le Vayer], *Discours*, 104, 99.

[3] La Mothe le Vayer, *Dialogues*, v. § 5, and last §.

[4] *Ibid.*, § 5.

[5] [La Mothe le Vayer], *Discours*, 69–71.

[6] La Mothe le Vayer, *Dialogues*, v. § 8.

[7] *Ibid.*

[8] *Ibid.*, § 13.

And, even assuming the existence of God, there is no real evidence of immortality,[1] and none either that God, having created the world, is now governing and fathering it. Many argue plausibly enough, indeed, that it would be beneath His dignity to do so—as Epicurus had said many centuries before.[2]

Theology, therefore, he concludes, is not a science—the material world of nature is dumb on the subject of the supernatural. Theology is a matter of faith, and faith comes only through grace. Now, as St. Paul and Ambrose had said, science is not only helpless to effect a natural revelation of the supernatural truth, it is actually an impediment: "there are no minds on which the divine graces act with greater resistance and in which the mysteries of Christianity impress themselves less voluntarily than on those which presume to know demonstratively the causes and ends of all things."[3] If from skepticism we seek to use our reason to learn the supernatural, we find many false religions just as plausible as the Christian. Therefore, skepticism must wait humbly and passively that the grace may be the more readily received. For it is this grace alone, inducing faith, which can satisfy us that the Christian Revelation is true.[4]

It need hardly be added that La Mothe favored religious toleration. All minorities are tempted at least to say they do, and the skeptic must virtually accept it as an integral consequence of his creed. La Mothe observes, with evident approval, that a certain Jean Leon "says that there is a Mahomettan sect which holds that no faith or religious law whatsoever can err because in all of them men desire to adore Him who deserves to be, and that, as Celsus says, according to Origen, He is always the same by whatever different cults and names He may be recognized."[5] And later La Mothe says that

> Some demand inquisitions and want tortures and fires to be employed in matters of religion: *authority should impose if not faith itself at least the means of faith.* Others share the opinion of Tertullian, Justin Martyr and so many others, that *contra religionem esse, cogere religionem,* maintaining that in this respect the Romans were the most just and judicious of all peoples because they were content to enforce the laws of their empire without doing violence to anyone on account of religion.[6]

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[1] [La Mothe le Vayer], *Discours,* 108. See, also, Perrens, *Les libertins en France,* 131.

[2] La Mothe le Vayer, *Dialogues,* v. § 11, § 12.

[3] *Ibid.,* § 5.

[4] See Wickelgren, *La Mothe le Vayer,* 99.

[5] La Mothe le Vayer, *Dialogues,* v. § 14.

[6] *Ibid.,* § 21.

Then comes the passage most often quoted:

> Some believe that one cannot be too religious, excess being praiseworthy in all matters, and that in any case it is better to be superstitious than impious or atheistic. Others prefer the opinion of Plutarch who, in a special work, has shown the reverse of the medal. Atheism, says Chancellor Bacon in his English moral essays, leaves man judgment, philosophy, natural piety, the laws, good repute and indeed all that can be of help to virtue: but superstition destroys all these things and sets itself up as an absolute tyrant over the understanding of men. That is why atheism has never troubled States, but has instead made man take immediate precautions and not look too far ahead. And observe, he [Bacon] adds, that those ages which were inclined to atheism, like that of Augustus Caesar and our own in some of the States, were civilized times and still are so, whereas superstition has proved the bane of a good many others.[1]

Skepticism encourages toleration, and toleration in turn encourages virtue. Such is the pith of La Mothe's argument—and his abstract doubt seemed corroborated by the facts of experience: for religions may, perhaps, theoretically, bring about a higher morality, but in practice they so far emphatically had not. Yet what exactly has he in mind in speaking of virtue? In one of his many parallels of conflicting opinions he says:

> Some hold as a maxim that the first law of God being natural, that religion which conforms most closely to nature should be taken to be the best one. . . . Others, on the contrary, argue that the one which is the least human, the most supernatural, if not to say the most extravagant, will be the more obstinately clung to the less it can be examined by our reason, and it is by that test that it proves itself truly celestial.[2]

Religion, he feels, must corroborate, not contradict, Nature. And this Nature is above all that of the land. Pan, he says, who is the pagan God of Nature, which includes all things, "regarded himself as particularly the God of the farmers, because it is they who live most nearly as God would have men live, and as that Divine Nature would have them, she who can hardly recognize herself in the corruption of Courts and cities." And La Mothe concludes that "according to the Sages that life which is most in harmony with nature is the most virtuous and, in consequence, also the happiest."[3]

We are here on the brink of Epicurean ethics, which we shall find more fully explained by Gassendi. La Mothe does not say categorically that whatever produces happiness constitutes virtue, but he does say that virtue invariably leads to happiness and thereby intimates that whatever does not promote happiness is not virtue.

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[1] *Ibid.*, § 22. [2] *Ibid.*, § 21.

[3] *Ibid.*, VIII: "De la Politique," seventh speech (by Telamon).

It is commonly said that La Mothe was unoriginal. But that might be equally truly said of most Renaissance thinkers or philosophers before Descartes. Much wisdom had come down from both pagan and Christian antiquity, and the men of the early and middle seventeenth century were merely more aware of this, and therefore more respectful of it, than we are today. They were still building on the old foundations, following the old blueprints of past truth, and it seems as if they were right in doing this because probably no true originality was possible until that antiquity, which had become blurred during the intervening centuries, had been largely exhumed, sorted, and digested.

The Jesuits had leaned towards the highly evolved Mithraism of the year 300, with its militant free-will dualism; the Jansenists had leaned towards the monistic and fatalistic Augustinianism of the year 400; the Libertines towards the Greek skeptics as revived in Rome in the year 1. It would be unfair, however, to dismiss any of these as mere imitators of their respective models, since each, however unwittingly, gave the old ideas a modern shape. Especially is this true of a last passage from La Mothe. After referring to the record of 365 religious sects which had already then marked the course of Chinese history, he says:

> This suggests to the irreligious, humanly speaking, that, just as Ptolemy or his predecessors invented the hypothesis of epicycles or concentrics and other weird mechanisms in order to account for the celestial phenomena and appearances—each being free capriciously to do likewise: as to suppose instead the mobility of the earth and the repose of the firmament, or other things of that kind, provided only that he considers and explains methodically that which the heavens tell our senses—so in the same way everything which we learn about gods and religions is nothing more than what the ablest men have conceived as most reasonable in order to account for the moral, economic and civil life: as to explain the phenomenon of customs, of the acts and thoughts of the poor mortals, in order to give them certain rules of life which should be as free as possible of all absurdities. In such a way that if there was still another who had more imagination than his predecessors in forming new foundations or hypotheses which explained more simply all the duties of civil life, and generally everything that happens among men, he would, with a little good luck, be as acceptable to men as is Copernicus and certain others with their new system whereby they explain more clearly and briefly everything that is to be observed of the heavens; since

> in the last analysis a religion, conceived in this way, is no more than a particular system which explains the moral phenomena and all the manifestations of our dubious Ethics. Yet, among this infinity of religions there is almost no one who does not believe that he possesses the true one, and who, damning all the others, does not fight *pro arcis et focis*, to his last drop of blood.[1]

How far later events have proved La Mothe right may be a matter of dispute, but none can deny that his spirit is as near to the modern as to the ancient.

La Mothe's main ideas are all to be found in his "Oratius Tubero" of 1630–1633.[2] Everything he wrote in the forty years thereafter, unless political, was only a milder variation on the same theme.[3] One reason is that for the next ten years he was writing with one eye on the newly founded Company of the Blessed Sacrament—a secret vigilante organization of Catholics[4]—and with the other eye on Richelieu.

For in 1632 he began to write semi-officially in order to expound and justify Richelieu's foreign policy;[5] and, although Richelieu must have chosen him partly on the strength of his "Oratius," La Mothe was naturally expected to observe whatever circumspection his employer demanded of him. And if Richelieu chose him because of his freedom from religious convictions[6]—France being then in alliance with the Protestant powers—he emphatically did not choose him in order that he might the better air his skepticism.

The first occasion for Richelieu to use La Mothe on a religious issue came when, in 1640, the *Augustinus* of Jansenius began to circulate in France. Already holding Saint-Cyran in prison as a danger to the State,[7] Richelieu was prepared, and at once countered by instructing the Jesuit Sirmond to refute Jansenius theologically, and La Mothe to refute him philosophically. Sirmond complied with his *Defense de la vertu*, and La Mothe with his *De la vertu des payens*, both published in 1641.[8]

The chief interest of La Mothe's work is extrinsic: because he was here collaborating with a Jesuit in order to confound the new threat of Augustinian Jansenism. The capture of La Rochelle in 1627–1628 had ended the Protestant threat to the State, but Richelieu was still in no mood to allow the spread of any other sect which professed analogous convictions.[1] For the ground was still hot from the previous conflagration. All this is understandable, but it is nonetheless surprising that Richelieu was able to persuade a free thinker and a Jesuit to collaborate in a religious cause. It only shows how vivid the nightmare of the religious wars still was—even among those who, like La Mothe, professed to favor religious toleration. The Libertine threat, however deplorable, was a relatively passive, if cold-blooded, negation, for doubts cannot easily be organized into a crusade. Jansenism, on the other hand, was a challenge to orthodoxy—an accusation that Catholicism as then preached was such a caricature of Christianity as could have arisen only through the instigation of the Devil. It threatened total war. In 1623 the Jesuit Garasse had directed his attack on the Libertines, but already in 1626[2] he had shifted it to refute Saint-Cyran; and by 1641 the Jesuits raised no open protest at Richelieu's enlisting the services of the Libertine La Mothe to help scotch their common enemy. The strategy was in both cases political: to secure law and order within the State.

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[1] *Ibid.*, v. § 14. See also *ibid.*, III: "De la Vie Privée," last two pages on America.

[2] Wickelgren, *La Mothe le Vayer*, 71.

[3] *Ibid.*, 70.

[4] Founded between 1627 and 1631: Lavisse, *Histoire de France*, VI, Part II. 373; Wickelgren, *La Mothe le Vayer*, 74; Henri Bremond, *Histoire littéraire du sentiment religieux en France* (11 volumes, Paris, 1916–1933), III. 324.

[5] Wickelgren, *La Mothe le Vayer*, 107 ff., 186.

[6] *Ibid.*, 184.

[7] *Ibid.*, 185.

[8] *Ibid.*, 183.

The specific issue of 1641 was the apparently narrow one of whether any other than professed Christians had ever been, or could now be, saved. A few of the early Fathers—Justin Martyr, Clement of Alexandria, and John Chrysostom[3]—had thought that they might have been, for the opening wedge had been made through the absurdity of damning the Old Testament heroes.[4] With the Renaissance passion for pagan antiquity many honest Catholics came to feel the same way about their Greek and Roman heroes, and much speculation had arisen over which, if any, might have been among the chosen few. Not only were Aristotle and Virgil suggested, but also Pythagoras, Diogenes, Socrates, Plato, Seneca, and even Confucius.[5] By traditional scholastic logic a theory of implicit rather than explicit faith was evolved, whereby it was concluded that whoever had lived virtuously according to reason, and had believed in a God of mercy, would have believed in Christ had he then revealed himself—a theory analogous to the accredited one of the baptism of desire.[1] Garasse, in his book of 1626 against Saint-Cyran, admitted such a possibility only if this faith, however silent and enveloped, had been bestowed as a supernatural grace; but Sirmond in 1641 declared that the potentiality of faith, even without supernatural grace, could suffice.[2] To such indulgence towards noble pagans La Mothe was of course willing to subscribe, was even willing to quote from the works of the then still authoritative Spanish Jesuits—later to be so unmercifully castigated by Pascal—in order to prove his "philosophical" points.[3]

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[1] *Ibid.*, 186. [2] *Ibid.*, 193–194. [3] *Ibid.*, 195–196. [4] *Ibid.*, 219.

[5] *Ibid.*, 208, 220, 197.

This apparently narrow issue not only indicates how the battle lines were being drawn. Above all it reveals the deep and fundamental cleavage; for if even a simple pagan, however virtuous according to his lights, could be saved, the punishment inflicted on all for Adam's Original Sin cannot have done that pagan much harm, nor Christ's Redemption done him much good.[4]

That the Jesuits ever found themselves in this dilemma was due to their readoption of the old Pelagian free will.[5] Twelve hundred years before, Augustine had warned against it, and the Jansenists, following the Protestants, were now repeating that warning. According to Augustine, man had, by the Fall, lost his free will and therefore his capacity to earn merit. None, therefore, could deserve to be saved, and the few who were must attribute this, not to their own merits, but purely to the good luck of having received a free and unmerited grace. And since all were wholly guilty, it was not unjust to the many to pardon a few.[6]

If, on the other hand, free will subsisted, a few of the ancients must have exercised it as virtuously as they knew how, and this probability history appeared to substantiate. To be sure they were not of the Chosen People whom God had inspired according to His plan; but neither were they wholly guilty, and so deserving only to be damned.

The difficulty, however, was to know where to draw the line. If at the Redemption, then its effect must have been to kill that free will, in which case a good pagan was better off before than after it.[7] And if, on the other hand, the free will subsisted, any good man now living might be saved so long as he had not heard of Christ and denied Him—in which case the missionary might do more harm than good.

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[1] *Ibid.*, 197, 204, 221 *n.*1, 204–207.

[2] *Ibid.*, 197, 189.

[3] *Ibid.*, 200–206, 209.

[4] See *ibid.*, 217–218, 214–215, 219, on Antoine Arnauld.

[5] *Ibid.*, 218–220. To which readoption La Mothe also subscribed. *Ibid.*, 189.

[6] *Ibid.*, 210, 215–218.

[7] See *ibid.*, 217–218, on Arnauld, and cf. *ibid.*, 203.

Although simplifications can easily be more misleading than enlightening, it might be hazarded here that whereas the Jesuits and Libertines cherished Christ chiefly because he aided the cause of virtue, the Jansenists and Oratorians cherished virtue chiefly because it aided the cause of Christ. That is why the former did not insist that a man must love Christ so long as he did love virtue; while the latter insisted not only that a man love Christ but also that this love of itself constituted virtue. The issue would then be whether Christ's virtue differed from natural virtue not only in degree but in kind.[1]

III

Théophile de Viau

The next Libertine was the Gascon poet Théophile de Viau, two years younger than La Mothe and sharing both his independent integrity[2] and, although less categorically, his philosophy. In his verses Théophile described himself much as Molière, that later Libertine, described his Misanthrope. Speaking to his patron, the Duke of Montmorency, he declares that

> La coutume et le nombre autorise les sots:
> Il faut aimer la cour, rire des mauvais mots;
> Accoster un brutal, lui plaire, en faire estime.
> Lorsque cela m'advient, je pense faire un crime.[3]

And in another passage,

> Or je suis bienheureux sous ton obéissance;
> En ma captivité j'ai beaucoup de licence,
> Et tout autre que toi se lasserait enfin
> D'avoir si librement un serf si libertin.[4]

Théophile, however, was no formal philosopher; he followed his passions and inspirations, was devoted to nature and solitude, was in-cautious and outspoken. Scorning imitation, whether in poetry or life, he was a romantic and a rebel, restless, yet longing for a peace and serenity which eluded him.[1]

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[1] See *Dialogues*, V. 21.

[2] Émile Faguet, *Histoire de la poésie Française* (10 volumes, I–IV and VI–XI, Paris, 1923–1926; volume V was not published), II. 144.

[3] *Ibid.*, 143.

[4] *Ibid.*, 130. Faguet adds: "Libertin, c'est à dire incapable de supporter ce joug trop longtemps."

Impatient of such precautions as La Mothe must have taken, Théophile was saved by Montmorency from being burnt at the stake for atheism—chiefly at the instigation of the Jesuits.[2] The accusation had been a serious one: of being the chief author of that obscene and impious book, *Le Parnasse des poëtes satyriques*, published in 1623.[3] Condemned in contumacy, he fled, but imprudently appearing soon after, he was arrested, and his sentence commuted to life imprisonment. Pardoned three years later, he soon died of his sufferings, when he was thirty-six years old. Fortunately he had already written enough to rank among the great French poets of his century. Some have even regarded him as the greatest French elegiac poet between Ronsard and Racine.[4]

That he was a Deist rather than an atheist is likely. To be sure in an idyllic dream he describes how

Sous un climat heureux, loin du bruit du tonnerre,
Nous passons à loisir nos jours délicieux,
Et là jamais notre oeil ne désira la terre,
Ni sans quelque dédain ne regarda les cieux.[5]

Yet he was not without a deep sense of awe in contemplating the universe, and there is surely a ring of religious conviction in his conception of a pagan deity in his "Apollon Champion," where the god, ruminating, weighs his relation to human affairs:

C'est moi dont la chaleur donne la vie aux roses
Et fait ressusciter les fruits ensevelis;
Je donne la durée et la couleur aux choses,
Et fais vivre l'éclat de la blancheur des lis.

Si peu que je m'absente, un manteau de ténèbres
Tient d'une froide horreur ciel et terre couverts;
Les vergers les plus beaux sont des objets funèbres,
Et, quand mon oeil est clos, tout meurt en l'univers.[6]

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[1] *Ibid.*, 143–149, 171, 187, 198–199.

[2] Including Guérin, Raynaud, Caussin, Voisin, and Garasse: Perrens, *Les libertins en France*, 79.

[3] *Ibid.*, 77.

[4] See Faguet, *Histoire de la poésie Française*, II. 172–173, 179.

[5] "Nantonniers," *ibid.*, 166.

[6] *Ibid.*, 163–164.

This is not the God of Gibieuf or Descartes, who merely contemplates a self-operating and self-sustaining universe. Nor is it the Epicurean God, who leaves the world to Fate or Chance. It is rather the God of Christian tradition, although the conception may have been more specifically inspired by Plato's *Phaedo*, which Théophile paraphrased so effectively.[1] It was also the God of Gassendi.

But this is as near to Christianity as he came. Precisely what views he held regarding the fundamental dogmas we do not know, for our only concrete record is that of his accusers. It is certain that he was openly hostile to belief in human possession by the Devil;[2] it is unlikely that he believed in immortality. And, since his prosecutor, Molé, charged that he had treated the problem of human destiny in pagan fashion,[3] he probably also denied Original Sin and Final Causes.

Théophile, therefore, was no Christian, but neither was he a Stoic, Epicurean, or Cynic. By temperament, at any rate, he was rather a Pantheist,[4] to whom God was virtually Nature, and Nature God. Man is corrupt, not because he will not heed the supernatural, but because he will not heed the natural. The animals are the lucky and happy,[5] and men can approach that state only by living the animal life; and not the Christian idea of it so much as the pagan—the life of innocence of heart and serenity of mind.

IV

Gassendi

The most systematic and complete exposition of Libertine thought was presented by Pierre Gassendi, born in 1592 near Digne, in Provence. From 1616 on he taught philosophy at Aix, and in 1624 published a work critical of Aristotle which was widely discussed and was the occasion, it is said, of the official decree of that year which forbade, on pain of death, any teaching contrary to that of the Greek master.[1]

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[1] *Ibid.*, 168; Perrens, *Les libertins en France*, 79.

[2] Faguet, *Histoire de la poésie Française*, II. 132, 196.

[3] Perrens, *Les libertins en France*, 78–79.

[4] Cf. Giordano Bruno and Vanini. Both Mersenne and Gassendi took pains to refute the theory of the World Soul: Naudé, *Apologie*, Chapter XIII; P.–Félix Thomas, *La philosophie de Gassendi* (Paris, 1889), 104–118.

[5] Faguet, *Histoire de la poésie Française*, II. 167–168.

Although Gassendi was a man of high principles and a conscientious priest,[2] the decree did not long deter him from his purpose. Planning a treatise as early as 1628 in defense of the long discredited philosophy of Epicurus, in 1629–1630 he wrote an exposure of astrology,[3] and in 1634 a defense of Galileo, which he supported a few years later by personal experiments with falling bodies.[4] In 1642 he aired his disagreements with Descartes, and in 1645 was called to teach mathematics in Paris. It was in 1649, in the midst of his success there, that he published his magnum opus, the *Syntagma philosophicum.* Six years later he died.

Although associating amicably with both dissipated unbelievers and honest priests, he was independent of both. For his passion was to seek the truth, wherever it might lead. If his Catholic faith was sincere and orthodox, his philosophy was equally sincere and equally unorthodox.[5] For he was sure that neither Christ nor the world would deceive, and that this truth, if only he could find it, would not compromise either.[6]

Gassendi did not lay so much stress as did Descartes on method or logic. He distrusted intuitions,[7] words, and above all—because self-evident deductions from doubtful premises[8]—syllogisms.[9] Instead, he substituted knowledge, deliberate judgment, and degrees of probability.[10] Where doubt resulted, theology was true; but where his method indicated probability, theology, if contradictory, was, equally probably, false.[11]

Skeptical as Gassendi's philosophy was, however, with its probabilities, doubts, and insoluble problems, there is good reason to think that his initial hypothesis was the existence of God, and certainly none of his philosophical conclusions suggests that he ever came to doubt this central affirmation.[1] He readily accepted, for instance, the traditional argument that any imperfect effect must have a cause, and that this cause must be more nearly perfect than its effect. This deduction led inexorably to an ultimate First Cause, which itself had no cause and therefore no imperfection.[2] And further than this it seemed clear to Gassendi that so orderly and harmonious a universe can only have been planned, and, being planned, must have been designed for, and directed towards, a predestined or Final Cause.[3]

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[1] Thomas, *La philosophie de Gassendi*, 9; Ernst Gerland, *Geschichte der physik* (Munich, 1913), 461.

[2] Gerland says he was a Minorite or Franciscan: *Geschichte der physik,* 461.

[3] Against the Englishman, Robert Fludd.

[4] Against J. B. Morin. Gerland, *Geschichte der physik,* 464.

[5] George S. Brett, *The Philosophy of Gassendi* (London, 1908), 229, says that his philosophy "unconsciously goes very near to" Deism.

[6] *Ibid.,* 228. [7] *Ibid.,* 11, 13. [8] *Ibid.,* 11.

[9] Thomas, *La philosophie de Gassendi,* 37–45.

[10] Historical knowledge included. *Ibid.,* 309, 199, 310.

[11] Brett, *Philosophy of Gassendi,* 228.

So far this was impeccable theology as well. But when it came to the details of *how* God directed and governed, Gassendi felt less sure.[4] He was unready to infer, as so many had done, that the Christian Revelation of God's perfection was the only rational concept of perfection. Had this been so, Revelation would have been to that extent superfluous, at least for the philosopher. Epicurus, for instance, had thought that God's direct concern for and intervention in human affairs was unlikely because incompatible with the dignity and majesty of His perfection. And Gassendi was further aware of a contemporary movement by certain priests of the Congregation of the Oratory to discredit the prevailing orthodoxy which assumed not only God's direct interference, but also His indirect, by means of saints, angels, and even of treacherous demons.

To Gassendi the likelihood that God did not interfere, either directly or indirectly, was further suggested by two empirical considerations. In the first place, so great were the imperfections of the created world that it was clearly the part of respectful discretion to doubt God's specific responsibility.[5] And, secondly, the new science, of Galileo and others, made it reasonable to suppose that the universe was so designed and endowed that it was quite capable of functioning of its own accord.

It was, indeed, the chief purpose of Gassendi's exposition to show how this self-sufficiency could work. Faith could still believe that God nonetheless did interfere, but reason must say that although He perhaps did, He did not have to and therefore very well *might* not. Indeed, tradition itself told Gassendi that there was no more convincing argument for the necessity of Christ's Revelation than the need to mark the dividing line between supernatural and natural truth; for the early Fathers had invariably and emphatically held this view.

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[1] See *ibid.*, 103. [2] Thomas, *La philosophie de Gassendi*, 285–286, 287.

[3] *Ibid.*, 91–98, 280; Brett, *Philosophy of Gassendi*, 103, 226.

[4] See Thomas, *La philosophie de Gassendi*, 89–90; Brett, *Philosophy of Gassendi*, 103.

[5] Thomas, *La philosophie de Gassendi*, 97–98, 301.

Medieval scholasticism, however, had enlisted the aid of Aristotle and other philosophers in order to bolster the divine Revelation with the natural. On this side, in the 1640's, were still marshaled the Dominicans and Jesuits; on the other side were the Protestants first, and now the Oratorians, Jansenists, and Libertines. A revived familiarity with the Bible and the early Fathers, contact with other ancient philosophers than Aristotle,[1] and, above all, the implications of the new science combined to suggest that faith could not be demonstrated except by a false rationalism. And if true reason cannot solidify, neither can it expand, revealed dogma: a rationalism that claims to prove faith is false by definition, yet such a rationalism, by identifying faith with reason, will, if accepted, end by loading faith with other beliefs which this rationalism has rashly and falsely concocted. True faith, being the truth, could not, and did not, contradict the truth; and true reason, being also God-given, could not contradict it either.

Now this true reason, based, as it could only be, on experience, told Gassendi that God ruled through the nature of His creation and interfered, if at all, only by the infusion of an inner grace.[2] Anything more than this, if clearly unreasonable, God did not and will not do. To be sure, if God should cease to will that the world continue to function and even to exist, it would comply;[3] but such a change of will was hardly consistent with His immutable perfection—an immutability which also cast doubt on the traditional Fall. Yet, even so, it was a cold world which Gassendi conceived, for he saw no evidence, either, of physical miracles, and even alleged that it was incompatible with God's majesty and might that He should ever heed the prayers of the faithful.[4] Furthermore, this majesty of God must raise doubts, regarding not only the bestowal of inner grace, but also the individual rewards and punishments attached to immortality. Theoretically God could ignore earthly affairs and still, on Judgment Day, separate, through His omniscience, the sheep from the goats. But His earlier indifference certainly did nothing to encourage the belief that this would be later transformed into a meticulous solicitude.

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[1] Although Gassendi attacked only the Scholastic worship and abuse of him. *Ibid.*, 9.

[2] *Ibid.*, 91.

[3] *Ibid.*, 80, 298–299; cf. *ibid.*, 24 *n.*5, on Théophile de Viau.

[4] *Ibid.*, 292, 302.

In these circumstances we can only commend Gassendi's discretion that he eschewed all references to Christ.

As an introduction to his physics, Gassendi assumes a space and a time as somehow attributes of God,[1] uncreated and infinite.[2] As space or vacuum can exist apart from matter, so time can exist apart from motion or change.[3] God's creation merely utilized them. Much later Newton subscribed to this conception.[4]

The Creation was of two substances: the incorporeal soul of man and corporeal matter,[5] and this matter was composed of a virtually infinite number of atoms which were indestructible, impenetrable, and indivisible.[6] In order to explain quality he assumed that atoms were of different shapes,[7] and in order to explain energy he assumed that, like fire,[8] they had an innate potentiality or faculty of motion.[9] The propinquity of these atoms, leading in due course to their coagulation, created the varieties of matter as we know it,[10] and also, by constriction, actualized their latent activity; for each atom is active in order to get free and, being so, becomes passive again. From these agglomerations minute[11] groups of atoms are constantly escaping or being hurled;[12] some are light, others heat,[13] sound, or odor atoms, others are magnet[14] atoms which, upon coming into contact with other agglomerations, draw them—by their own strength or else by releasing the concentrated energy of the body thus struck[15]—to the other, larger, agglomerations from which these emissaries had come.[16] By this hypothetical but strictly physical concept, Gassendi tried to explain the still baffling phenomena of light, heat, sound, and odor, of weight,[17] magnetism, and gravity.[1] Nor, if faced with the modern phenomena of electronics and even of mental telepathy, would Gassendi have felt obliged to discard his hypothesis.

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[1] *Ibid.*, 56. [2] *Ibid.*, 49–50; Brett, *Philosophy of Gassendi*, 30.

[3] Thomas, *La philosophie de Gassendi*, 53, 114–115; Brett, *Philosophy of Gassendi*, 31–32, 47.

[4] Thomas, *La philosophie de Gassendi*, 56 *n*.3. [5] Brett, *Philosophy of Gassendi*, 31, 54.

[6] Thomas, *La philosophie de Gassendi*, 61.

[7] *Ibid.*, 65; Brett, *Philosophy of Gassendi*, 52, 65. [8] *Ibid.*, 56–57.

[9] Thomas, *La philosophie de Gassendi*, 74, 223.

[10] Brett, *Philosophy of Gassendi*, 57, 162–163.

[11] *Ibid.*, 78–79. [12] *Ibid.*, 52–53, 58, 77–78. [13] *Ibid.*, 72.

[14] Thomas, *La philosophie de Gassendi*, 75–76.

[15] *Ibid.*, 111–112. [16] *Ibid.*, 76–78. [17] *Ibid.*, 66, 72.

Life was simply a more complex aggregation of atoms and groups of atoms.[2] Only too aware of the imperfections in the world, physical as well as moral, he favored the evolutionary view of the Greeks[3] which had been discredited by Aristotle. To Gassendi the observable processes of nature consisted of an age-long sequence of trial and error,[4] with natural selection through fitness to survive,[5] yet as a whole purposeful and directed towards an end. Decay is no less natural than growth,[6] and, as the plan unfolds, the higher forms emerge out of the lower.

Sensibility—that is, the capacity to act and react—is a property of all atoms and so of all matter,[7] and life, being merely a refinement or accentuation of this sensibility, with its corporeal soul analogous to fire, differs from the body only in degree and is merely the name for the more sensitive elements or atom-groups within it.[8] Therefore Gassendi's world was neither so alive as Aristotle's[9] nor so mechanical as Descartes's. Instead, it was chemical and organic,[10] and its bodies, at first only potentially alive and actually dead, evolved a life which was still corporeal.

When Gassendi came to Man, he was faced with a theological distinction which could not be explained by mere changes in degree. Man's soul also had an incorporeal element,[11] separately created by God.[12] And it was this which, in contrast to the beast, gave him unique capacities: to reason and so choose, to conceive of infinity, incorporeality, universality, perfection, and even to conceive of and so contemplate himself.[1] To Gassendi freedom, and therefore conscience,[2] was not in the will but in the understanding[3] which enabled him to distinguish, and so choose, between truth and error, pleasure and pain, good and evil. If a man only sees clearly enough, his will must automatically respond and obey.[4]

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[1] Brett, *Philosophy of Gassendi*, 72.

[2] Thomas, *La philosophie de Gassendi*, 94–96; Brett, *Philosophy of Gassendi*, 54, 83–84.

[3] John Burnet, *Early Greek Philosophy* (3rd edition, London, 1920), 71, 242, 272; Brett, *Philosophy of Gassendi*, 104.

[4] Brett, *Philosophy of Gassendi*, 90, 105.

[5] *Ibid.*, 101–105.

[6] *Ibid.*, 169–170.

[7] Thomas, *La philosophie de Gassendi*, 120–121. But according to Brett, *Philosophy of Gassendi*, 120, matter gave only a "motile response."

[8] Brett, *Philosophy of Gassendi*, 111.

[9] Thomas, *La philosophie de Gassendi*, 83.

[10] Brett, *Philosophy of Gassendi*, 80, 179.

[11] Thomas, *La philosophie de Gassendi*, 161–162; Brett, *Philosophy of Gassendi*, 112.

[12] Brett, *Philosophy of Gassendi*, 147.

There is a sharp break here, from the intuitions and passions of the animal's corporeal soul to the added reason of man's partly incorporeal soul. Gassendi willingly bows here to the teaching of Revelation that man is made in the image of God. But this invalidates his system only formally. For he is aware that since the two words "corporeal" and "incorporeal" are both names for things we can only conceive, and not perceive, they may very well meet and combine,[5] as do black and white. The atom as such is pure corporeality but has potentialities not wholly corporeal, and in the same way man's soul, though essentially incorporeal, is helpless apart from the corporeal elements to which it is bound.[6] For this soul's potentialities[7] can be actualized only by contact with its body and thereby with the outer world through the senses. Man alone can clearly conceive universality only because he remembers the corresponding particulars more precisely and so can make a more intelligible synthesis.[8]

Epicurus, though defending the atomic theory of Democritus, has always been best known because of his utilitarian theory of morals, whereby virtue is made the handmaid of pleasure or happiness. As it was the great scandal of Hobbes in England, so it was that of Gassendi —born four years later—in France, that they appropriated and popularized this pagan belief. It was founded on the inescapable conviction that, apart from the miracle of grace which admittedly raised man above even the first Adam, all men inevitably and invariably seek their own happiness,[1] and that virtue is that inner and outer behavior which is most conducive to the attainment of that happiness. To Christians it was this ethics above all others that Revelation had refuted, and, in reacting from it, they virtually readopted the rival Stoic view, never forgotten and frequently practised—as by Seneca—in antiquity, that virtue should be pursued only for its own sake,[2] or rather, since God was the sole embodiment of virtue, for God's sake.

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[1] Thomas, *La philosophie de Gassendi,* 156–158, 160, 165; Brett, *Philosophy of Gassendi,* 143.

[2] Thomas, *La philosophie de Gassendi,* 204.

[3] *Ibid.*, 197–198; Brett, *Philosophy of Gassendi,* 219, 241.

[4] Thomas, *La philosophie de Gassendi,* 202.

[5] Brett, *Philosophy of Gassendi,* 113, 140.

[6] Thomas, *La philosophie de Gassendi,* 162, 166, 169; Brett, *Philosophy of Gassendi,* 145, 156.

[7] Thomas, *La philosophie de Gassendi,* 169.

[8] Brett, *Philosophy of Gassendi,* 141, 152–153, 220.

The difficulty of the Epicurean view was that the Christians had, if rather arbitrarily, given virtue a unity which was easy to define but hard to recognize. Happiness, on the other hand, was easier to recognize but harder to define. Gassendi describes it under three main heads and expounds the techniques required in order to achieve a natural and worldly, rather than other-worldly, happiness.[3]

The first is that of the body. Negatively it contributes to happiness by good health, positively by the pleasures of the senses. But this is the lowest form of happiness[4] because its pleasures are necessarily ephemeral and may lead to future pain.[5] Enjoy the present, he urges, but only in so far as this does not jeopardize the future. In pursuance of this admonition he would not eat meat or drink wine.

The second pleasure is that of the society of others, through our love for them and their reciprocal love for us. Men naturally love one another;[6] therefore it should not be hard to observe the Golden Rule,[7] to cultivate generosity and humility towards friends, and justice towards mankind. In picturing the just world Gassendi merely repeated the commonplaces of his day, defending private property, monarchy, and a justice graded from aristocratic privilege to proletarian submission.[8] Under the civil law[9] rebellion is forbidden, but under the law of nations one nation may legitimately fight, and not only in order to resist unjust actual attack, but also to forestall by attack an unjust prospective attack.[1]

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[1] Thomas, *La philosophie de Gassendi,* 150, 177, 191–194, 241 (on Plato), 251 (on Epicurus).

[2] *Ibid.,* 237, 248; Brett, *Philosophy of Gassendi,* 194, 217.

[3] Thomas, *La philosophie de Gassendi,* 261–262; Brett, *Philosophy of Gassendi,* 195.

[4] Thomas, *La philosophie de Gassendi,* 178.

[5] *Ibid.,* 246; Brett, *Philosophy of Gassendi,* 185–186.

[6] Thomas, *La philosophie de Gassendi,* 279.

[7] *Ibid.,* 277; Brett, *Philosophy of Gassendi,* 212.

[8] Thomas, *La philosophie de Gassendi,* 266, 268, 274–275.

[9] Brett, *Philosophy of Gassendi,* 206–209.

Although this theory that happiness can come only by the virtue of loving one's friends and being just to one's enemies is fundamentally Stoic theory, Gassendi may also have compacted it out of Christian love and Epicurean hedonism. In either case it involved such a dependence on a clear conscience that it was still virtually beyond the capacity of human frailty. For example, Gassendi says that "it is not brave to act bravely only from fear of not being brave,"[2] because true bravery is done for others and not for oneself, and only the former will leave a clear conscience.

Therefore in man's search for happiness he must seek a further satisfaction, which is not only to love others but to be loved by them.[3] And this point may have been particularly influential because it was virtually the social philosophy underlying the ideal, now soon to become so fashionable, of the *honnête homme*. Gassendi thus, at least indirectly, helped to launch the famous *salons*, which were designed to add to the pleasure of life by widening social circles where friendships, based on mutual affection and admiration, could be cultivated. Nor was the theory unsound; for, in order to be happy, men must not only love but be loved—neither by itself can usually suffice. Perhaps one man will try to love chiefly in order to be loved, another to be loved in order himself to love. It matters little that neither method is abstractly meritorious so long as the result is pleasant.

The guides in these efforts are the generosity of the Golden Rule and the prudence[4] of the Golden Mean.[5] Excess of grief[6] or humility is as unwise as that of gaiety or pride; excess of compassion as bad as that of indifference. For the end sought is a serene, unruffled felicity,[7] involving self-respect and even, although Gassendi does not say so, a pinch of complacency.

The third and highest source of happiness lies in knowledge[8] and thought. By these, the passions of the corporeal soul must be controlled,[1] by these, unreasonable beliefs must be discarded: prejudices and predilections, traditions and superstitions.[2] Thought should concentrate on the highest good, which includes contemplation of death,[3] that we may know how to face it with equanimity, and contemplation of the highest good, which is God.[4]

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[1] Thomas, *La philosophie de Gassendi*, 268–287. [2] *Ibid.*, 270.

[3] *Ibid.*, 253–255; Brett, *Philosophy of Gassendi*, 189–191.

[4] Thomas, *La philosophie de Gassendi*, 263; Brett, *Philosophy of Gassendi*, 184.

[5] Thomas, *La philosophie de Gassendi*, 260; Brett, *Philosophy of Gassendi*, 217.

[6] Thomas, *La philosophie de Gassendi*, 261, 272–274.

[7] *Ibid.*, 247. [8] *Ibid.*, 274.

This ideal of virtue, although no harder to achieve than the more familiar Christian, is complicated by carnal, social, and intellectual aims which could too easily prove obstacles to pure morality. It is a program as unsuited to the saint as it is suited to the sage. The criterion of virtue is not only love but also understanding. The more intelligent a man is, the more virtuous and happy he will be; the more stupid he is, the less virtuous and happy.[5] By evolutionary process enlightenment alone can bring progress, ever refining that virtue which leads to felicity. Probably this can never be fully attained, if only because the risks[6] of bad luck can never be fully circumvented. But as the technique becomes perfected, the intelligent, and thereby the virtuous, will become more and more happy, and likewise the stupid will become less and less unhappy. Less and less will man long to pray[7] God for justice on earth as men, by their own advance, begin to dispense more and more of it themselves.

Yet Gassendi elsewhere argues that belief in immortality is justified by the need to rectify injustice on earth.[8] Without questioning his faith in immortality[9] we may perhaps question his faith in the validity of his proofs of it. For not only does he have faith that justice will some day be done on earth, he is also convinced that man's soul, unlike that of the angels, can function only with the help of matter.[10] Of course the body *might* be immortal too; but Gassendi's physics was not consistent with any such conception. And, as has been already suggested, faith in divine solicitude for the individual was undermined by the hypothesis of a Providence which, so long as creation held to its predestined course, was oblivious to the details of the process. In this mid-seventeenth-century France the rational proofs of immortality were being widely debated,[1] and Gassendi could not well evade the issue. But if he did feel he had convinced himself, there is no reason or record to indicate that he thereby convinced anyone else.

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[1] *Ibid.*, 261; Brett, *Philosophy of Gassendi*, 198.

[2] Thomas, *La philosophie de Gassendi*, 278.

[3] Brett, *Philosophy of Gassendi*, 184–185. See also Emile Mâle, *L'Art religieux après le Concile de Trente* (Paris, 1932), Chapter v. *passim.*

[4] Thomas, *La philosophie de Gassendi*, 248.

[5] Brett, *Philosophy of Gassendi*, 197, 199, 187–188.

[6] Thomas, *La philosophie de Gassendi*, 242, 252.

[7] See *ibid.*, 292, 302.

[8] *Ibid.*, 235–236, 303.

[9] His faith in immortality was based on the universal desire for, and faith in, it. *Ibid.*, 233–235.

[10] Brett, *Philosophy of Gassendi*, 145.

It is often assumed that Gassendi's philosophy marked the end of the Renaissance, as Descartes's marked the beginning of a new era[2] which was to flower as the eighteenth century began; and it has even been alleged that it was only a repetition of ancient thought without novelty or originality.[3] Yet this was equally true of Copernicus, whose influence was surely wide. The fact is that both chose to revive certain pagan views which had long before been discredited by a triumphant Christianity. Doubtless Copernicus's discovery was the more effective because it was susceptible of fairly convincing proof, whereas Gassendi's atomism merely revived another hoary speculation. But observe that the vogue of what came to be called Cartesianism included atomism, a self-sustaining energy, and a Providence who supposed details to be incompatible with His majesty. In judging influences, one cannot, of course, be too meticulous or too tentative, for few men really ever themselves know whence they have derived their ideas. But if Descartes influenced Spinoza and Leibnitz as well as Malebranche, Gassendi also influenced Leibnitz,[4] Newton, and, later, Voltaire.

Viewing Gassendi from another angle, some have suggested that he was taken lightly because his system lacked the unity which was then demanded, leaving, as it did, God, Space, Time, Spirit, and Matter as irreducibles,[5] and because he had the effrontery to leave certain other problems unsolved: divine omnipotence, for example, and foreknowledge were not reconciled with human free will,[6] nor was it explained *how* spirit and matter could react on each other,[7] or *why* life was something more than the sum of its scientifically known parts.[1] To a world just emerging from five hundred years of Scholasticism such omissions could easily seem inept.

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[1] Busson, *Sources et développement du rationalisme*, 624–625.

[2] Brett, *Philosophy of Gassendi*, 247.

[3] One writer has said of Gassendi that he was "deficient in speculative power and original force." *Encyclopaedia Britannica* (11th edition, 1911), XI. 503.

[4] Brett, *Philosophy of Gassendi*, 269.

[5] *Ibid.*, 260–261.

[6] Thomas, *La philosophie de Gassendi*, 207–208.

[7] *Ibid.*, 164; Brett, *Philosophy of Gassendi*, 254–255.

Finally, it is alleged, Gassendi was still concerning himself only with what is experienced at a time when Descartes was already raising the new and, today, still absorbing preliminary questions of what it is which experiences that experience, and of how, if at all, it does so.[2] This observation is valid, for modern philosophy has stemmed from Descartes. To those who are not philosophers, however, it could seem inconsistent that Gassendi be criticized on the one hand because he was too ready to admit that he did not know, and on the other because he naïvely took it for granted that he really did know some of the things he professed to know. Unlike Descartes, who started with nothing yet professed to have proved everything, Gassendi, even by starting with something, professed to have proved only a little more.

V

Naudé

The youngest of the prominent Libertines to be born in the sixteenth century was Gabriel Naudé,[3] a scholar who was interested even more in politics than in religion. Of his early life we need only know that he was a Parisian, and that he was, although only nominally, a physician.[4] Like his friend[5] La Mothe, he was devoted, through Montaigne and Charron,[6] to antiquity and, for what reasons we cannot say, received his early instruction from a certain Belurget, who was openly scornful of the Bible, Revelation, miracles, and Jews, and devoted rather to Homer and Aristotle.[7]

In 1625 Naudé wrote an *Apologie pour tous les grands personnages qui ont été faussement soupçonnez de magie;*[8] from 1631 to 1642 he was in Italy as librarian of Cardinal Bagni[9] and here, in 1639,[10] he wrote a work dedicated to his employer called *Considérations politiques sur les coups d'état.*[1] In 1642 he returned to Paris, and it was there, at his house in Gentilly, that the notorious triumvirate of Libertines gathered, consisting of himself, Gui Patin—also a physician—and Gassendi,[2] with La Mothe among their most frequent guests. Soon after, Naudé became the librarian of Cardinal Mazarin, to open, in 1648,[3] the first public library in France;[4] and finally, in 1649, he wrote his dialogue, *Mascurat,*[5] and died just as the Fronde ended, in 1653. No less than La Mothe's and Gassendi's, Naudé's private life seems to have been above reproach—he was even a teetotaler.[6]

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[1] Brett, *Philosophy of Gassendi,* 118, 179.

[2] *Ibid.,* 246, 252–253, 268.

[3] Naudé was born February 2, 1600. James V. Rice, *Gabriel Naudé, 1600–1653* (Baltimore, 1939), 9.

[4] *Ibid.,* 10. [5] *Ibid.,* 31.

[6] Gabriel Naudé, *Considérations politiques sur les coups d'état* (Rome, 1639), I. § 20; Rice, *Gabriel Naudé,* 92, 96, 110–111, 119–121.

[7] Rice, *Gabriel Naudé,* 10 *n.*4. [8] *Ibid.,* 125. [9] *Ibid.,* 14, 22.

[10] *Ibid.,* 126; see Naudé, *Considérations,* III. § 13.

A constantly recurring theme in Naudé's books is the conservation of society, of European civilization. History forewarns us not only of the ultimate and inevitable decay of all states, but also of the fact that changes and revolutions "do not occur without dragging down with them Laws, Religions and Sects. Truly if one observes the present state of Europe, it will not be difficult to see that she will soon be the theatre where many similar tragedies will be played, since most of her States are close to the age which has led to the death of all others."[7] And he cites as symptoms the recent wars, the venality of justice, the privileges of the nobility, the new (Protestant) sects, the excess of colleges, seminaries, students, and printed books, and the novelties in philosophy, theology, astronomy, and medicine—changes greater since 1452 than in the whole thousand years preceding.[8] Therefore, he warns, "we must not wallow in the error of those feeble minds who suppose that Rome will forever be the seat of the holy Fathers, and Paris that of the Kings of France."[1] Nor is this precarious future merely something for later generations to worry about: "It is not necessary to turn everything upside down in order to effect changes even in the greatest Empires; for these often come unawares, or at least without anyone making any great preparations."[2]

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[1] This work was, perhaps, inspired by Richelieu. See Rice, *Gabriel Naudé,* 22, 102–110.

[2] *Ibid.,* 30–31; and see Charles Augustin Sainte-Beuve, *Portraits littéraires* (Paris, 1855 and 1862–1864), II, No. 11. § 35.

[3] Sainte-Beuve, *Portraits littéraires,* II, No. 11. § 18. Rice, *Gabriel Naudé,* 25, says, however, that Mazarin's library was opened in 1643.

[4] Sainte-Beuve, *Portraits littéraires,* II, No. 11. § 37. "Sans lui [Mazarin] Paris ne serait pas à la veille d'avoir une Bibliothéque publique": Naudé, *Mascurat* dialogue (Paris, 1649), 242. Although this was a rather technical distinction in view of the fact that the monastic library of Sainte Victor, in Paris, had long been available to the public, and had even lent books for outside use: F. A. Yates, *The French Academies of the Sixteenth Century* (London, 1947), 229; and compare *Rabelais,* II, Chapter 7.

[5] The title is *Jugement de tout ce qui a été imprimé contre le Cardinal Mazarin, depuis le sixième janvier, jusqu'à la declaration du premier avril mil six cents quarante-neuf.* This work is generally referred to as *Mascurat,* the name of the person who does most of the talking. Subsequent references to this work are to the second edition (Paris, 1650). See Rice, *Gabriel Naudé,* 36, 126.

[6] Perrens, *Les libertins en France,* 122–123.

[7] Naudé, *Considérations,* IV. § 2. See Sainte-Beuve, *Portraits littéraires,* II, No. 11. § 19.

[8] Naudé, *Considérations,* IV. § 2.

Since states and institutions are not only doomed to ultimate decay, but even live a precarious day-to-day existence, infinite precautions have to be taken to see that their prestige and power are upheld. For otherwise the ignorant and impassioned populace will turn law into anarchy overnight. So great would be this calamity, Naudé believed, that virtually any means may legitimately be resorted to by a ruler in order to forestall it.[3] The foundation of civilized states is grounded on security, peace, and the promotion of the general welfare and especially that of the poor,[4] but in order to promote such ends there must be a unity and authority which, being prerequisites of the end, may be secured by whatever means may seem expedient. It is the famous *raison d'état.*[5] Chief among these are deception and coercion.

Among the most effective deceptions of early times was the myth that the ruler was descended from a god. Sometimes, indeed, this came about "because their mothers, being wiser and smarter than many others, in this way covered their guilt, as did those of Plato, Apollonius, Luther and the prophet Merlin."[6] And among other pious frauds perpetrated in the name of religion are the Pope's infallibility,[7] the white magic attributed to angels, and the black magic attributed to devils by means of special powers conferred upon men. Virtually under this head, too, is the ingenuity with which the Catholic Church has fashioned its dogma out of the Bible[8]—a salutary contrast to the anarchical method of the Protestants: "By failing to follow the interpretation which the one and only catholic Church gives to the holy books, they are often the cause of many disorders, not only in morals because of the Book of Kings and other historical texts of the Old Testament, but also in dogma which is thoroughly embroiled in the New, and this chiefly because of the Epistles of Saint Paul."[1]

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[1] *Ibid.* [2] *Ibid.*

[3] *Ibid.*, I. §§ 13–17; II. §§ 2, 4; III. §§ 1–2, 4, 10–11; IV. § 4. [4] *Ibid.*, V. § 6.

[5] *Ibid.*, II. § 8; see also Sainte-Beuve, *Portraits littéraires*, II, No. 11. § 14.

[6] Naudé, *Apologie*, III. § 1. [7] Naudé, *Considérations*, II. § 8.

[8] Naudé, *Mascurat*, 346; see also Sainte-Beuve, *Portraits littéraires*, II, No. 11. § 43.

In addition to deception, ruthless coercion and repression may, if needed, be legitimately employed. Naudé quotes Ulpian's dictum that "if a dangerous uprising or other just cause allows no time for delay, it is legitimate to punish, and, only after doing so, to draw up the formalities of the accusation."[2] And he finds a precursor of Machiavelli in Thomas Aquinas, who said that "in order to keep in power, the tyrant must so act that his subjects accuse each other, that friend persecutes friend, and that there be dissension between the poor and the rich and even among the rich themselves."[3] Naudé makes it clear that Aquinas is here contrasting the ideal monarchy and the all too frequent tyranny, but he thinks that Machiavelli and his school were also making this distinction. To Naudé, however, the success of tyrannies shows the value of studying their technique, and he argues that no ruler, however legitimate and untyrannical, can tell when he, too, may have to resort to it or abandon himself and his kingdom to an enemy.[4] Most of the people who today, he says, preach against Machiavellianism, practise it with all the skill and ruthlessness at their command.[5]

Under the head of arbitrary coercion is the usual justification of forestalling an enemy who may be about to attack, of helping a neighbor state, however guilty, if at war with a more distant state,[6] and of killing prisoners of war as often as this will be of military advantage.[7]

Furthermore, as an effective instrument for safeguarding the State he praises the Inquisition[8] and defends the Massacre of Saint Bartholomew.[9] His only criticism is that the massacre was not more thorough. The reason is the same as in his discussion of the way Luther was mishandled. Luther, he says, should either have been killed or else cajoled and quieted. Instead he was called on to abjure and then, on his refusal, set at large.[1] The technique employed at Saint Bartholomew betrayed the same weakness.[2] Both were revolutionary *coups d'état* and so a case of dog eat dog. In such cases authority may and should do all that is necessary in order to survive.

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[1] Naudé, *Mascurat*, 190–191.

[2] Naudé, *Considérations*, III. § 13.

[3] *Ibid.*, I. § 15, quoting Aquinas, *Commentary on the Fifth Book of the Politics*, xi.

[4] Rice, *Gabriel Naudé*, 113, quotes a passage from Naudé calling those who dared to defy the monarchy "esprits libertins." But this is a rhetorical use of the word, as it would include the Jansenists. See Naudé, *Considérations*, IV. § 8.

[5] Naudé, *Considérations*, II. § 8.

[6] *Ibid.*, II. § 7.

[7] *Ibid.*

[8] *Ibid.*; see also *ibid.*, III. § 13, on the Spanish technique.

[9] *Ibid.*, II. § 7; III. §§ 10–11.

However, the test in such matters is pragmatic. If a means is not adapted to the end, it should not be employed.[3] There is an echo here of the view implicit in La Mothe and explicit in Gassendi: that virtue is only what in fact does bring salutary results. The trouble with many of the means now being employed is that the deceptions do not deceive, and, if they still prove effective on ignorant minds, they turn the more intelligent into skeptics and cynics.[4]

The first, because underlying, deception which now no longer effectively deceives the more enlightened is that "everybody believes and thoroughly persuades himself that the most convincing proof and assurance that anyone can have of the truth depends on a general consent and universal acceptance, which, as Aristotle says in his seventh Ethics, cannot be wholly false and fabricated; besides which it seems plausible enough and in accord with virtue and justice to follow in the footsteps of others."[5]

An extreme case is that of Zoroaster. He is believed to have lived about six thousand years before Plato, yet his precepts are still revered. Others hold that he was rather a contemporary of Abraham, but, even were this so, "that age is still so distant from our knowledge, and the things that have been told us [of him] so veiled in the folds of many centuries that it is better simply to admit our ignorance."[6]

Thus a state or institution or doctrine which purports to rest its authority on any such flimsy foundation invites not respect, but scorn. After quoting Arnobius's observation that "antiquity is the futile mother of error," he describes how the centuries "drag after them a long tail of fables and give them ever new strength and growth through the great number who allow themselves to be taken in by their great age."[7] The only trouble with such fables is that every day now fewer and fewer people are taken in.

That Naudé wants his readers to apply this to Biblical and so to Christian tradition is clear. It is ostensibly directed against the Protestants' literal acceptance of the old text, but, in view of his insistence elsewhere that a General Council may overrule not only papal decrees but also those of past General Councils[1] (as had been argued by Augustine), it can only be taken as also a dig at papal infallibility.[2] Thus both sides had suffered by trusting ancient myths.

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[1] *Ibid.*, III. § 13. [2] *Ibid.*, III. § 11. [3] *Ibid.*, III. §§ 11–13.

[4] Naudé, *Apologie*, XXII. last paragraph. [5] *Ibid.* [6] *Ibid.*, VIII. [7] *Ibid.*, XII. § 1.

Coming to the second harmful deception, Naudé shows that the myths of the saints as related in the medieval *Légende Dorée* have been suspect to intelligent men ever since their exposure in 1425.[3] For the Church to insist nonetheless that these legends be believed can only serve further to discredit her prestige. Not that Naudé denies the possibility of miracles, for he believes in the grace of God[4] and in the white magic of the angels, whereby they exhort us to "fasts, abstinences, piety, purity and integrity,"[5] which is the magic of faith. But of outer physical, as contrasted with inner, psychic miracles[6] he is skeptical and feels that as dogma they do true religion a disservice.

In regard to the power of demons Naudé is even more skeptical. Of substantially the same nature as the angels, their powers over men are merely complementary: to put bad notions into men's heads and hearts instead of good ones.[7] But they no more than the angels can confer superhuman powers on men, for only God Himself, through grace, can do this. Thus all the so-called occult sciences are superstitions. A man, no matter how well disposed towards the Devil or the Devil towards him, is still a mere man. Prophecy, for instance, whether by means of stars or birds, is precluded by man's free will;[8] alchemy proves its absurdity by its obvious failures;[9] and black magic or witchcraft is a delusion, leading many to madness because the authorities actually serve as the Devil's partners[10] in fostering that delusion. And this despite the denial of such a possibility by all the early Fathers.[11]

To be sure the famous Spanish Jesuit, Vasquez, "says categorically that the books of magic are necessary and the magicians tolerated by God in order that the irreligious and the libertines be somewhat diverted from atheism by thus persuading them that there are other substances than those which can be known by means of finger and eye."[1] But Naudé's answer is that, because of the absurdity of the belief, any man of intelligence must doubt it and be thereby tempted to suspect all the other Christian beliefs as also the product of credulity:

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[1] Naudé, *Considérations*, III. § 13. [2] *Ibid.*, II. § 8.

[3] Naudé, *Apologie*, VII, XXII. These legends were revived and even embellished as a protest against Protestant skepticism. Mâle, *L'Art religieux après le Concile de Trente*, 68, 146.

[4] Naudé, *Apologie*, I. § 1; II. § 1. [5] *Ibid.*, II. § 2.

[6] Sainte-Beuve, *Portraits littéraires*, § 15 *n*.1. [7] Naudé, *Apologie*, IX.

[8] *Ibid.*, XVI. §§ 3–4. [9] Naudé, *Considérations*, V. § 8.

[10] Naudé, *Apologie*, I. § 15. [11] *Ibid.*, VIII; Naudé, *Mascurat*, 319.

> When a fine strapping maiden, mature for marriage and in full nubility complains that a black man is following her, that she sees demons, hears noises in the house, and is surrounded by phantoms, we say jeeringly that her virginity is choking her. . . . Why then burn an old woman who, through illness or folly, through coercion or otherwise, confesses to having been instantaneously transported on a ram, a pitchfork or a broom, to assemblies often a hundred leagues away . . . where they [*sic*] commit a thousand extravagances that are childish, ridiculous and impossible, and who ought rather to be nursed or committed to asylums [*petites maisons*] than exterminated, as is done, by fire or rope.[2]

In the fifty years between Vasquez and Naudé this deception had changed from a valuable instrument for the maintenance of authority and so security, to a dangerous weapon in the hands of whoever might wish to discredit that authority. This, Naudé knew, was progress,[3] and authority had better realize it.

Thus two deceptions, that of identifying antiquity with truth and that of attributing superhuman powers to men, had become discredited and would soon, if not abandoned, prove boomerangs to whoever continued to employ them. A third such deception, to Naudé, was the Scholastic abuse of dialectic—to prove anything and everything, and thereby nothing:

> The learned and judicious Vives, and later Ramus and the other modern philosophers have used no other methods in order to ruin and strike down this labyrinth of useless difficulties comprised under the title *parva Logicalia*,[4] and in order to lay bare the ineptitude, baseness and folly of all these trifling suppositions, amplifications, restrictions, sophisms, obligations, appellations and other subtleties still more useless and ridiculous. Matters which nonetheless were able for over four hundred years to occupy the attention of those who were regarded as the greatest Sophists and Philosophers in the whole world, and in comparison with whom Cassiodorus and Saint Augustine, according to some, understood nothing of Dialectic.[5]

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[1] Naudé, *Apologie*, XVIII. § 2.

[2] Naudé, *Mascurat*, 317. On exorcisms, see *ibid.*, 310, and Naudé, *Apologie*, XX. § 2.

[3] See Rice, *Gabriel Naudé*, 98, 116.

[4] Of Peter of Spain (*ca.* 1215–1277). See Friedrich Überweg, *Grundriss der Geschichte der Philosophie* (Berlin, 1914–1920), II. 530–531; Rice, *Gabriel Naudé*, 83.

[5] Naudé, *Apologie*, XXII.

But, says Naudé triumphantly, if prematurely, for he was writing this in 1625, all these "useless rubrics and *sophistiqueries*"

> have been so happily floored by the said Vives that they are now banished from the Schools and from the memory of men, with as much shame and scorn as they had before been introduced and maintained with applause from the time of Abelard and Peter of Spain, who were the first authors and perpetrators of this fine Dialectic.[1]

Recently, however, have come "Telesio, Patrizi, Campanella, Verulam, Giordano Bruno and Basso, who have truly had no other aim than to overturn that Philosophy, and to ruin that great construction which Aristotle and his more than 12,000 interpreters have striven to construct over a long span of years."[2]

This attack was directed, not against Aristotle himself, but only against those who distorted his texts in order to prove that Catholic dogma was in fact also sound philosophy and so capable of rational demonstration. His, and in general the Libertine, aim was to show that Aristotle's philosophy was strictly pagan and that reason was therefore pagan too. Naudé was seeking to wrest the authority of Aristotle from the Catholics and appropriate it to his own Libertine cause: "Aristotle is to be esteemed as much as any man should be. He is Plato's superior in every way. Plato was a cabalist, and a foundation for every kind of folly and dream: Aristotle is a foundation for their destruction."[3] Descartes, a mathematician, held diametrically the opposite view, but the Libertines were naturalists in the sense that they saw man as an integral part of nature. Thus Naudé says that "The law of Nature is the true guide of an *honnête homme*, provided only that he observe this essential injunction, *quod tibi fieri non vis, alteri ne feceris*."[4]—which, thus reduced to its simplest terms, was the Libertine creed.

These strictures on contemporary public policy and belief were doubtless timely; but they were negative. What did Naudé suggest as positive alternatives now that the old ones were becoming harmful? In place of dialectic he offered no more than an orthodox Catholic faith in those dogmas which could not be reached by human reason and experience: faith in the grace of God and in the suggestions of the good angels to counteract those of the bad, faith in Providence and immortality.[1] The new logic and philosophy of Descartes must have been known to him, but he does not refer to them and doubtless always[2] preferred the skepticism of Socrates.[3] That Descartes was in fact just then furnishing a positive alternative he apparently did not appreciate.

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[1] *Ibid.*

[2] *Ibid.*, XIII. § 2.

[3] Rice, *Gabriel Naudé*, 117.

[4] *Ibid.*, 113.

In place of superstition, too, Naudé offered no positive alternative: he saw no need for new and more plausible delusions. But in regard to the blind trust in antique traditions he was more constructive. In the course of his attack he says that

> the error thus increases by contagion and applause, not by judgment and appreciation of the evidence, but by aping someone who has started the dance, without reflecting that he who wishes to be adjudged wise and prudent should regard with suspicion every opinion which appeals to the populace. . . .[4] Yet this century is better equipped to polish and sharpen our judgment than have been all preceding ones together because of the great changes which it has effected, because of the discovery of a new world, because of the religious troubles, the inauguration of Letters, the decay of sects and old beliefs and the invention of so many products and contrivances.[5]

That Naudé expressed such fear of popular opinion—for he regarded it as equally powerful and deluded—seems inconsistent with the ruling passion of his later life to start a public library in France.[6] It must be remembered, however, that in those days only a small minority could read, and it was in order to raise the level of enlightenment among them that he cherished his plan. During his ten-year stay in Italy he had not only imbibed Machiavellianism, he had also heard of, and probably utilized, the two public libraries there, the Augustinian in Rome and the Ambrosian in Milan,[7] and he wished to have Frenchmen share this inestimable boon. Claiming that man at present knew little or nothing,[8] yet might easily come to know much more, he insisted that books expounding both sides of all controversial subjects be available in order that everyone might make up his mind according to the evidence.[9] A free press and freedom of thought do not tally too obviously with his approval of Saint Bartholomew. Yet the right to think as we choose is not always inconsistent with the duty to do as we are told.

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[1] See *ibid.*, 119, 121.

[2] See *ibid.*, 63, 66.

[3] See Naudé, *Apologie*, XIII. §§ 1–2; Naudé, *Mascurat*, 143.

[4] Naudé, *Apologie*, XXII.

[5] *Ibid.* See also Rice, *Gabriel Naudé*, 57, 63, 115.

[6] See Sainte-Beuve, *Portraits littéraires*, II, No. 11. § 18.

[7] The Bodleian at Oxford was then the only other public library in Europe. *Ibid.*

[8] *Ibid.*, § 19.

[9] *Ibid.*, §§ 18–19; Denis, *Sceptiques ou libertins*, 17.

VI

Summary

When these Libertines are considered as a unit, it is at least clear that they did not belie their name, for freedom of thought was the basis of their doctrine. Perhaps, indeed, their most acute reaction was against accepting secondhand opinions—those of ancient tradition, those of authority, whether of Church, School, or State, or those of the majority. Beliefs and opinions must rather be ever newly tested on their own intrinsic merits.

One test was reason. But reason as it had been evolved by medieval Scholasticism seemed a caricature of true reason: by proving too much it betrayed the fact that its method was faulty.

Another was experience. This, to be sure, was a whimsical and wayward guide, inviting at best probabilities, and at worst deceptions. Still, being the least untrustworthy test, it must be followed, intensively but warily.

The direct experience which could be checked was the new physics of Copernicus and Galileo and the new morality of Montaigne and Charron. And, as the physics had revealed a self-sufficient universe, so the morals had revealed the possibility of a natural earthly felicity: by exerting all the energy of man's brain and heart, of his wits and conscience, by the cultivation of both the Golden Mean and the Golden Rule, he might eventually create for himself some sort of Utopia on earth.

Only on the more abstract problems were they confused. Was the universe orderly? La Mothe said no, Gassendi yes; and we are no more in accord today. They were confused, too, about the direction that the universe was taking. There was change—far more than Aristotle had perceived—there was even evolution from lower to higher forms. But was it a real progress, from worse to better, and, above all, did it really indicate a plan, and was this plan the traditionally beneficent one known as the Final Cause? As La Mothe and Gassendi again disagreed, so again do we. But at least the problem was raised, and Descartes was to keep it raised.

Their indirect experience was derived from history. La Mothe and Naudé both realized its importance, in order not only to be rid of the errors caused by misreading it, but also to increase knowledge by reading it aright. Thus ancient allegations of fact were every day being proved false, the opinions of majorities had proved to be always preposterous and often tragic, and the authority of ruling bodies, as of Church and State, although doubtless, as Naudé alleged, a necessary evil, had invariably proved fallible and often disastrous. Above all, the authority of dogmatic religion had been injurious, leading, in practice, to revolting or benighted superstitions, to persecutions, hatreds, and bloody religious wars.

Finally, history showed that all nations, religions, and institutions are by nature ephemeral and subject to the inexorable law of growth and decay. Such organisms have been able to maintain themselves as long as they have only because the rulers systematically relied on foreign wars and domestic repressions necessarily carried out with such deceit and cruelty as would be criminal and shocking if employed by a private citizen.

The consequence of such a natural and even scientific approach to truth was evident. God's bare existence as First Cause could be saved. But, His Providence having been put in doubt, the whole structure of Christian Revelation was itself revealed as a myth which natural understanding judged to be unproved. Belief could still come through love and virtue and grace, but not through evidence. Some doctrines, as that of Immortality, were at least not unreasonable, because they concerned another world eluding natural understanding; so could that of Inner Grace, because, although of this world, it touched only the mysteriously incorporeal soul. Prayers might be heard, but would not be heeded because God's will and plan were not to be moved. The physical miracle, on the other hand, clashed with natural understanding, Original Sin was inconsistent with man's faith in his own capacity for virtue and understanding, and the idea of meticulous rewards and punishments based on earthly behavior seemed undermined by a morality which tied a free-will virtue to the exigencies of earthly happiness. Revelation was thus completely undermined.

This prejudice against Christian dogma was further aggravated by the then still familiar horrors induced by a demonology as untraditional as it was unlikely. That the beliefs—at least among educated men—in miracles, magic, and witchcraft, in astrology, divination, and alchemy, were fast waning in these years may have been a good deal due to these assaults by the Libertines, and it may be, too, that the Libertine influence itself soon after waned partly because its task had to that extent been done. With the decline of superstition the doubts about Catholic dogma were for a time confined to the scientific issue of whether or not the universe was moved by another or by its own power, and here, to some degree certainly, the Libertine philosophy which had played havoc with Catholic dogma was to be challenged by the Cartesian, which professed to reconcile the Person of the Christian God with the newest wonders of science. The stage, therefore, was now set for the entrance of Descartes.

The Background and Development of Naval Signal Flags

By WILLIAM DAVIS MILLER[1]

SIGNALS as a means of communication from ship to ship and from ship to shore have probably been in existence since men went down to the sea, but the use of flags, burgees, and pennants for this purpose appears to go back less than four centuries. Earlier than that, to be sure, several far-sighted men had conceived the idea and had stressed the importance of it, but their efforts had failed to arouse sufficient interest and enthusiasm to secure acceptance of their proposals.

A few rather obscure references indicate that the ancient Greeks—Athenians, Peloponnesians, Rhodians, and other seafaring people in and about the Mediterranean did use signals, the earliest of them having been recorded by Herodotus. This was a signal made by Xerxes in the year 480 B.C. when he embarked in a Sidonian ship and made "the signal for the rest of the fleet to get under weigh." However, there is no indication how the signal was made, and certainly no suggestion that it was by use of a special flag or banner. It is more probable that a brightly colored cloak was thrown over the arms of the cruciform standard or "semeion" and raised at arm's length. Such a signal might well have been made to indicate an order to close on the enemy, but once the engagement commenced, and ship closed in on ship, there was probably no time for signals, in fact no need for them.

There is, however, one early record of a tactical signal. In the year 429 B.C. the Peloponnesians had manœuvred the Athenian fleet into a disadvantageous position, and, at a given signal, they suddenly put their ships about and engaged the Athenians.[2] How this signal was made is not known. It was many centuries before there is recorded the development and the promulgation of anything approaching a method of communication at sea that may be considered as the embryo of the system of today. Emperor Leo VI (866–912), in a treatise on tactics, stated that he had been unable to find anything on naval signals save a few scattered references amongst writings of the ancient Greeks. He realized the importance of such communication to sea and set forth the necessity of utilizing a standard, or banner, or streamer to be flown in a conspicuous position "to the end that you may be able, thereby, to make known what requires to be done . . . for in an emergency you will not be able to make use either of the voice or the trumpet to communicate . . . because of the uproar and the tumult, and the sound of the sea, and the crash of ship against ship, the noise of oars, and above all the clamour of the combatants. . . ." The streamer, he suggested, should be used to indicate when to fight, when to withdraw, and when to open up "when it was the purpose to surround the enemy." He concluded with the admonition: "let these signals be practised so that all the officers in command of ships under you may have certain knowledge of all such signs . . . so that, well familiarized with the signals, they . . . in time of emergency . . . carry out the orders indicated."

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[1] This paper was read at the May, 1945, meeting.

[2] William Gordon Perrin, *British Flags* (Cambridge, 1922), 140–141.

After Leo's advanced ideas—which it is doubtful were ever generally accepted by his contemporaries, for no record has been found to substantiate the fact—there would appear to have been little or no interest in the development of the use of flags as signals until about the middle of the fourteenth century, when mention was made of them in the English Black Book of the Admiralty between the years 1337 and 1651. This reference was even more primitive than the idea set forth by Leo, there being, in fact, but two flags given: one to call a council, and the other to warn of the approach of the enemy.[1] Slightly more comprehensive was the scheme suggested in 1366 by Amado VI of Savoy. His system, if it may be so called, consisted of one banner, the position of which when hoisted determined its signification. It also provided for the use of banners bearing the arms of the captains of his fleet, by the hoisting of which he might call each captain, or even several at a time, to his flagship.

It was not until the year 1515 that a list of signal instructions was drawn up. This was prepared by Antoine de Conflans of the French Navy, which for many years thereafter was the most advanced in the use of flags for signals. It was the most comprehensive list of signal instructions yet to be devised, and showed great advancement over the systems of other countries, an advantage which the French maintained for approximately three centuries. Conflans's *Instructions* dealt with communication between ship and ship, utilizing flags, banners, firing of cannon, the use of lanterns at night, and even the set of sails. Conflans was shortly followed by Philippe de Clèves, who added the use of a banner tied in a weft.[1]

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[1] Perrin, *British Flags*, 142, 143.

It is to be borne in mind that as yet no navy had designed special flags or pennants to be used exclusively for signal purposes. It was still the standard, or national flag, the jack (usually the first quarter of the national flag, as in England and the United States at present) and the flags of command, *i.e.*, the red flag, the white flag, and the blue flag, together with an occasional pennant or streamer, that were used. It is therefore of importance to note the first printed suggestion of special naval signal flags.

Joseph Furtenbach, in Germany, in the year 1629, published his *Architectura Navalis*[2] mainly devoted to the building of ships, but also containing a section devoted to special flags for use in signalling between ship and ship. These were twelve in number: four in the form of a vexillum,[3] four pennants of the burgee type,[4] and four flags. There is, unfortunately, no confirmation of their use, and it is possible, therefore, that they were presented, as were so many other signal-flag systems, "in the form of a project." However, it was the first published suggestion of a numeral system of signalling with the use of flags.

About 1634 Captain Nathaniel Boteler, or Butler, of the British Navy presented the first suggestion in that country regarding flags with special meanings to be used in signalling.[5] His proposal was that to call a council at sea ". . . a fit signal to let them know it may be made by hanging out a yellow flag in the Admiral's main shrouds: but if there be intended the coming aboard of the Council of War only, there may a blue flag be hung out to the same purpose in the same place. . . ." In the main, however, Boteler reverts to the old practices, for he writes, ". . . when the Admiral resolveth upon such a day to make out to sea with his whole fleet, a fit signal to express as much to every particular ship may be (as usually it is) by ordering his topsails to lie loose upon the caps very early that morning; and if it prove to be hazy and dark weather . . . to cause fire to be given to a single piece of ordnance. . . ." It is of interest to note the mention of the yellow flag, since, as previously stated, the red flag or "bloody colors," and the white flag, were only those used as signals in the British Navy. Perrin states: "Boteler's suggestion of yellow and blue flags as signals for calling a Council is of especial interest, as being the earliest proposal to use special flags for making signals. Until the year 1654, signals—at any rate in the English fleets—were, with two exceptions, always made with the flags already in use for other purposes, that is, with the Flags of Command or Colours of Distinction. . . . The two exceptions are the red flag of war and the white flag of peace."[1] It was not until about twenty years later[2] that a pennant was introduced into the British system for signalling. In 1665 a red and white flag, as a signal "to chase," was added, and in 1689 further flags were introduced for purely signal purposes.[3]

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[1] *Tied in a weft:* a flag or banner rolled lengthwise and stopped at the hoist and the fly.

[2] Joseph Furtenbach, *Architectura Navalis* . . . (Ulm, 1629).

[3] A swallow-tailed banner suspended from a cross bar.

[4] A swallow-tailed pennant or pendant.

[5] *Boteler's Dialogues* (London, Navy Records Society, LXV, 1929), 281–287.

To the French, however, must be given due acknowledgment for the advance in the use of special flags for signalling, and it is to them that the British and the Americans owe the present development of signalling by flags at sea. The chief credit belongs to one man alone, Maréchal de Tourville.[4] About twenty years ago the papers of de Tourville were sold in London.[5] In this collection was a small signal book, dated 1689,[6] which shows very clearly the advancement which had been made by the French over the other European seafaring nations. In this de Tourville shows twelve flags and three pennants, exclusive of national flags and flags of command—the blue, the white, and the red. It is further to be noted that this little book has "both sides," that is, for sending and receiving, and is "thumb indexed" for easy reference. However, the position of the flag, that is, the position at which it was flown, still governed its meaning. For example, the blue flag with a white cross flown at the main indicated "call the white squadron"; at the fore, "call the blue squadron"; and at the mizzen, "call the white and the blue squadrons."[1]

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[1] Perrin, *British Flags*, 160. [2] In the year 1653.

[3] These flags were: red and yellow, and red and white with diagonal stripes; and yellow and white with horizontal stripes.

[4] Anne Hilarion de Cotentin, Comte de Tourville (1642–1701).

[5] Most of them were purchased by Rear-Admiral Lancelot Ernest Holland, who went down in H.M.S. *Hood* in Denmark Strait, on May 24, 1941, in an engagement with the *Bismarck*. He had the most complete private collection of British and French signal books extant. The collection is now in the Maritime Museum, at Greenwich, England.

[6] In the collection of the author, together with another signal book, based on de Tourville's signals, in which the action off Beachy Head is shown.

De Tourville gave encouragement and advice to others to develop his system further. One of his protégés was Père Paul Hoste, Jesuit professor of mathematics at the Royal Seminary at Toulon, who published his *L'Art des Armées Navales* in Toulon in the year 1697.[2] This work was at once recognized as a progressive advancement toward effective visual signalling at sea, and not only had great influence in France, but was, it is to be believed, the basic foundation upon which the British and other European systems were established. In fact, our own signals of today can be traced back to this source, when the United States first set up a signal vocabulary approximately one hundred years later.[3] Hoste says that "Monsieur le Maréchal de Tourville a bien voulu me communiquer ses lumières, en m'ordonnant de composer sur une matière que je pense n'avoir pas encore été traittée."

There was, however, an important defect, from which neither de Tourville nor Hoste escaped: the narrowing limitation that the position from which the flag was flown governed its meaning, a flaw in the effective use of signal flags that continued until well into the nineteenth century. In other words, the flag changed its meaning with the change of the position from which it was flown. The disadvantages of this are obvious, for the signal should be flown from the point of the best visibility, which would not be always possible without a change of meaning. This limitation was soon perceived by Bertrand François Mahé, Comte de la Bourdonnais. Unfortunately, however, his reported humble birth, the snobbishness of his fellow-officers, and a resulting lack of influence caused his idea to be pigeon-holed until Bourdé de Villehuet, in his *Le Manœuvrier*,[4] in 1769, devoted a chapter to the project presented by La Bourdonnais. De Villehuet states: "Les sig-

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[1] "Pour avertir lescadre blanche, au haut du grand mats, pour avertir les escadre blanche & Bleue, au haut de mats de misene, pour avertir lescadre bleue, au haut de mats d'artimon."

[2] Paul Hoste, *L'Art des Armées Navales, ou Traite des Evolutions Navales* (Lyon, 1697).

[3] Blue perce-blue pieced with white (or at present a blue flag with a white square in the center). Blue perce has been anglicized to "Blue Peter," and represents the letter "P" in the International Code.

[4] Jacques Bourde de Villehuet, *Le Manœuvrier, ou essai sur la theorie et la pratique des mouvements du navire et des evolutions navales* ... (Paris, 1765 and 1769), 365.

naux doivent être simple, clair, & entendu; je ne crois pas qu'ils en ait en de plus mis en usage & inventés par M. de la Bourdonnaye. Il s'etoit servi de flammes, comme celles de toutes les banderoles les plus aisées a attacher en tout endroit d'un Vaisseau: on étoit convenue que chaque flamme designeroit un nombre & que plusieurs flammes, chacun designant un nombre particulier & mises au-dessus les unes des autres, serviroient de chiffres; par-la il étoit facile de connoître le numero de chaque signal, parce qu'on fasoit valoir les flammes par les couleurs. . . ."

In 1763, however, six years prior to the work of de Villehuet, it would appear that another Frenchman had become conscious of the difficulties which the signal systems of the day presented. While not having the clarity of vision which endowed La Bourdonnais, Sebastien François Bigot, Viscomte de Morogues, prepared and published a system which was obviously an attempt to break away from the rigidity of the older systems. However, he did not have the vision to arrive at the conclusions reached by La Bourdonnais.[1]

It was not until 1773 that a signal system based mainly upon the works of La Bourdonnais and de Morogues was given the official blessing of the French naval authorities. This was in the form of a numerical code and it was by one of those queer quirks of fate that the originator bore the name of Chevalier du Pavillon. Pavillon, like Hoste seventy-six years before, gave great credit to de Tourville, stating that it was he "who first gave signals to us . . . that all signals which our fleets use to-day have come from that first source."[2]

The British were far behind the French in the development of an adequate signal code, for it was not until the year 1689 that any type of system as flexible as that of the French was used in the fleet. Even at that comparatively late date the British had few flags other than the ensign, the jack, and the flags of command. These flags were included in the *Instructions* of 1673, which it would appear from later evidence were not actually promulgated until 1689. It would further appear that the use of signal flags and any development of even a very simple system were left very much to the wishes of the admiral concerned. This is substantiated by the fact that in some cases in the seventeenth century, and even in the early portion of the eighteenth, blanks were left in the printed *Fighting Instructions* published by the Admiralty, the blanks to be filled in with such flags "as the Admiral might designate," the design of these flags, also, apparently being left to his own judgment.

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[1] Sebastien François Bigot de Morogues, *Tactique Navale, ou traite des evolutions et des signaux* . . . (Paris, 1763).

[2] There was printed aboard the French ship of war *Languedoc*, while lying in the harbor of Newport, Rhode Island, during the Revolution, a signal book based upon the system developed by Pavillon. A copy of this signal book is preserved at the Naval Museum at Toulon.

Additional evidence of the way in which the English signal-flag system developed is given by Admiral Sir Henry Raper,[1] writing in 1828 about the system existent during Queen Anne's reign: "*The General Sailing and Fighting Instructions* continued until after the War of 1793 to be the only signals established by authority for general use. They had, however, before this period become too limited for the increased demands of the service, and each Admiral, therefore, issued his own plan of signals to the ships under his immediate command.[2] This gave the occasion for the exercise of different schemes. . . . In this manner appeared the new numeral method."

This condition of affairs was also probably responsible for the printing of signal books as a purely commercial venture in the early years of the eighteenth century. The most famous book of this type was published in 1714, by Jonathan Greenwood.[3] The book still maintained the old system by which the position from which a specified flag was flown indicated its meaning. It is further to be noted that the set of the sails was also a determining factor. A gun was usually fired to call attention to the signal. Thirty-two years later, in 1746, John Millan published a similar book, which sold for "two shillings plain, four shillings colored."[4]

It was not until about the year 1778 that Admiral Sir Charles Knowles, then in American waters, drew up a new system. This was done upon the advice of the Marquis of Hastings, an officer in the

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[1] Admiral Sir Henry Raper, *Signals & Instructions 1776–1794* (London, Naval Records Society, 1908), 17.

[2] It was for this reason that the names of the several admirals became associated with several signal books, *i.e.*, Lord Howe's first signal book; Lord Howe's second signal book, and Lord Kempenfelt's signal book.

[3] Jonathan Greenwood, *The Sailing and Fighting Instructions or Signals as They Are Observed in the Royal Navy of Great Britain* (n.p., 1714). It is of interest to note that Greenwood's book was engraved, not printed.

[4] John Millan, *Signals for the Royal Navy and Ships under Convoy. Sailing and Fighting Instructions. . . .* (London, [1746]).

British Army then serving in America. Hastings told Knowles to "strike out something new," and Knowles thereupon, probably having knowledge of the French systems, produced a new system in which he stated that he had "discovered the signals by numbers." Whether or not he did have knowledge of the findings of Mahé de la Bourdonnais is immaterial. The fact is he drew up the best system conceived by the British up to that time. He further developed his system by use of the "chess board," with cross references to the numbers in the squares, such numbers indicating the various signal flags. Great latitude was thereby given in the number of signals available, and that with the use of comparatively few flags and pennants.

The two leading figures in the British Navy who did in fact advance the system of signaling by flags were Admiral Richard Kempenfelt (1718–1782) and Richard, Earl Howe (1726–1799). Both these men used the numerary system, and in addition employed a large assortment of flags and pennants with specific meanings. Lord Howe's second code, used by him in the Battle of the Channel, "The Glorious First of June" (1794) made use of this system. Perrin has stated that with the completion of Lord Howe's "Second Signal Book,"[1] in 1790, we have the end of that system, or want of system, especially noticeable during the American War of Independence, under which the "signals used in each fleet or squadron varied with the idiosyncrasies of each individual commander-in-chief. Henceforth . . . the bulk of signals were . . . in general use throughout the British Navy."[2]

It was left to Sir Home Popham, in the year 1800, to bring out a signal book almost as modern as those which are in use today. A similar code, but showing further advancement, was published in 1817 by the famous Captain Frederick Marryat, seaman and author. His was inspired, without doubt, by Popham's code, but was much more comprehensive and flexible. This code can be considered the source and inspiration for the present International Code, which uses many of Marryat's flags. Indeed, many are to be found in the signal books of the United States Navy.

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[1] In manuscript. The copy in the collection of the author was used during the Battle of the Channel on the Glorious First of June, 1794. In the last entry, in pencil, on the fly leaf under date of "June 1, Sunday," one finds this pencilled notation, "our Signal repeated—at ½ past [nine], began the action."

[2] Sir Home Riggs Popham, *Telegraphic Signals, or Marine Vocabulary; with Observations on Signal Flags, and the Best Mode of Applying Them* (London, 1812).

In the year 1855 a slight change was made in these commercial codes, codes which employed four-letter groups, as all vowels were omitted because "by introducing them every objectional word composed of four letters or less, not only in our own language but in foreign languages, would appear in the code in the course of the permutation of the letters of the alphabet." As our Navy did not observe this nicety in its First World War code, and as some of these four-letter groups designated ships, any ship which had been assigned one of these objectional four-letter words as a call sign was always assured a warm welcome from the signal bridge of a less, or more, fortunate ship upon her arrival in the harbor.

With reference to the signal systems developed and employed by other Continental countries, it may be said that the majority followed the systems gradually developed by the French but that they did not compare with the French at corresponding periods. This is shown by the signal book of the combined English and Dutch fleets for the years 1694–1695,[1] which does not equal in scope de Tourville's signal book of 1689. This difference is also shown in Spanish, Russian, and Italian signals of comparative dates.

In view of this Continental background in the growth and development of specific flags for employment as signals, it may appear surprising that the first fleet of the United States should have reverted to a system such as was in use in the early portion of the seventeenth century. The flag signals promulgated by Esek Hopkins, commander-in-chief of the American Navy, on January 5, 1776, and included in the *Orders and Directions for the Commander-in-Chief of Fleet of United Colonies,* issued by the Naval Committee of the Continental Congress,[2] would at first seem to have been so elementary as to prove inadequate. This statement is made with the realization that the visual signals of the British and Continental navies, with the exception of the French, had not arrived at a truly adequate and workable plan. The flags to be used as signals are listed by Hopkins, as follows: The Ensign or Grand

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[1] "Afbeeldinge der Generale Seynen die in de Jaren 1694:1695 Geordonneert zyn geobserveert te Werden onder de Engelsche en Nederlantsege-Gecombineerde Vlooten." A manuscript signal book with water-color drawings, each showing the ship and the flags, or, by night, the lanterns.

[2] "The Signal Instructions of Esek Hopkins," by William Davis Miller, being the introduction to *The Correspondence of Esek Hopkins* (Providence, Rhode Island, The Rhode Island Historical Society, 1933).

Union, the Standard or Gadsden's flag, the St. George's ensign with stripes, the Dutch flag, the jack, the striped jack, the broad pennant, and the jack in weft.[1]

As in England, it would appear that naval officers of the United States saw the need for an official book of signals which would be used throughout the service and that these officers prepared such signal books, hoping that they would be adopted by the naval authorities. In 1797 Captain Thomas Truxtun published at Baltimore *Instructions, Signals, and Explanations, offered for the United States Fleet.*[2] This was a numerary system, probably based directly on Hoste. Another such book was prepared by John Barry, a senior officer in the United States Navy, which he described as *A Set of Signals Presented to the Navy of the United States of America.*[3] This book showed ten flags, numbered one to ten, three pennants, a cornet, and an answering flag.

Correspondence between naval officers indicates that a standard signal system in printed form was in use prior to the Barry book,[4] but such a signal book was reserved for use between commissioned vessels only, and each convoy commander was at liberty to draw up his own signal code with flags and pennants of his own design. Such flags and pennants are to be found in manuscript sheets such as those drawn up for use between the U.S.S. *Greene* and the merchant ships under her convoy, and also in such signal flags as are described in the Office of Naval Records and Library's *Naval Documents* series relating to the quasi-war with France (1798–1800) and the wars against the Barbary pirates (1801–1805).

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[1] The *Ensign* contained in its canton the British Union, *i.e.*, the crosses of St. George and St. Andrew, and on the field thirteen horizontal red and white stripes alternating representing the thirteen colonies.

The *Standard* or Gadsden's Flag had a yellow field with a coiled serpent thereon, with the words, "Don't tread on me." The *St. George's Ensign with stripes* had the crosses of St. George and St. Andrew in the canton and thirteen red and white stripes alternating on the fly. It would appear to have been similar to, if not identical with, the flag of the East India Company. The *Dutch Flag* consisted of three equal horizontal stripes of red and white and blue. The *White Flag* was a plain white flag. The *Jack* contained the crosses of St. George and St. Andrew. The *Striped Jack* probably was the one depicted in the engraving of Hopkins, by Thomas Hart—a red and white striped flag with a serpent superimposed on the field. The *Broad Pennant* was the flag of command—a large pennant with two tails at the fly. It was rigged and flown after the manner of a vexillium. It is interesting to note that in 1774 a pennant was made for Fort George, in Newport, Rhode Island, "21 yd. long & with a Union at the Head." It is not known whether Hopkins used this *Union Broad Pennant* or the plain red broad pennant. The mention of "a weft" in a jack simply means that the jack was slightly rolled lengthwise and stopped together at the head or middle portion and flown in that manner.

[2] Two copies are known, one in the Navy Department Library and the other at the Naval Academy Museum. Lieutenant Commander M. V. Brewington, USNR (retired), who has furnished me with information about Truxtun's signal book, writes: "The book evidently was not issued to the fleet because during the yellow fever at Philadelphia, as a Secretary wrote Truxtun, '. . . the travelling state in which the department has been for some time, we have lost every copy of the signals published by you.' "

[3] Printed in Norfolk, Virginia, in the year 1800. Four copies are known to have survived, one in the New York Historical Society, one in the Boston Athenæum, one in the Peabody Institute, Baltimore, and one in the author's collection. The latter was a presentation copy to Commodore James Sever.

[4] *Naval Documents related to the Quasi-War between the United States and France: Naval*

George Henry Preble, in his authoritative and voluminous book, devoted, unfortunately, but little space to signal flags. He does, however, mention the issuance of an official signal book by the Navy Department in the year 1803. This showed ten flags, numbered one to ten, four pennants, then called triangles, a preparatory flag, an answering flag, and a flag known as a "dipdote," a twice or twofold flag. He also records signals promulgated officially in the years 1812 and 1814, both with numerical flags, one to zero, and with five alphabetical pennants, "A" to "E," inclusive.[1]

For many years the United States Navy continued the numeral system, adding several new flags such as the church flag and repeaters.[2] In the year 1861 the Confederate States of America drew up and printed in Richmond, Virginia, a code based on the same system. The International Code, however, continued the use of the alphabetical flags, as opposed to numerals. It also continued the omission of the objectional vowels until the year 1887, when, at an international convention held in Washington, the vowels were permitted to take their rightful places in the alphabet. At the present time the United States Navy uses the alphabetical flags of the International Code, together with its numeral and answering pennants and the three "repeaters," and the code pennant. The Navy code, however, makes use of numerous flags and pennants which are not included in the International Code.

In this brief summary, commercial codes, and codes drawn up for

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Operations from February 1797 to October 1798 (Washington, 1935), 343–345, 453, where there is reference to "the printed Signals from the Department of the Navy."

[1] George Henry Preble, *History of the Flag of the United States of America* (Second revised edition, Boston, 1880). The first edition bore the title, *Our Flag. Origin and Progress of the Flag of the United States of America . . .* , and was published in Albany in 1872.

[2] Repeaters are flags which repeat the letter immediately above on the hoist. For example, if the word "seen" is to be signalled, the flags hoisted would be "S, E, repeater, N."

various ports, such as the Port of Boston, and certain private codes of various yacht clubs, have been omitted. These codes offer an interesting field to be explored and annotated, and it is to be hoped that at some time this will be done, especially since Preble's standard work, which included many of these classes, is now out of date.

Some American Contributions to the Art of Navigation

1519–1802

By Lawrence C. Wroth[1]

An occasional departure from strictness of definition will be remarked in this account of certain American contributions to the art of navigation. Now and then, for example, one of the writers mentioned in the course of it will seem to be American only through the slimmest of circumstances, and frequently books of seamanship or maritime law and custom will intrude upon the manuals of navigation science, the sailing directions, and the charts which form the main theme of the discussion. The reader's indulgence is asked for this element of irresponsibility in an essay which, after all, is but an exploratory entrance into a new field of study.

I

The Spanish-American Contributions

It is inevitable that this discussion should begin with a selection of materials of Latin-American origin. It was natural enough that the American of the South should take a part in the production of works on navigation, for, as has been said many times, it was the demand for surer and safer voyaging to the East Indies and to the western continent which in the sixteenth century provided a notable stimulation to the advancement of maritime science by the mathematicians and pilots of Spain and Portugal.

Martín Fernández de Enciso was a Spanish lawyer whose career in America seems to have begun at Santo Domingo at some time before the year 1508. For five years thereafter, and longer, it may be, he served prominently in official positions, chiefly upon the mainland of Central and South America. His exploits and misadventures are found in the history books. What is of concern here is his publication at Seville in 1519 of a work entitled *Suma de geografia*,[2] which combines between its covers a brief manual of navigation principles, long mistakenly believed to be the first of that species of book, and an extensive geographical and political description of the continents and countries of the world. Because its American section, comprising eighteen small-folio pages, was based in part upon his personal experience of the areas described, it is possible without too great a strain upon the facts to accept it as an American contribution. The true reason for bringing it into the discussion, however, is that it provides a base line from which to start. Its pages represent a formal effort, the first of its kind, to guide the mariner in his passage from port to port along the eastern and northern coasts of South America, the Central American coast, and the islands of the West Indies. Enciso's book was republished with some revision in 1530 and 1546. In 1541 the whole work, upon the basis, it has been said, of the edition of 1519,[1] was translated into English by Roger Barlow, amended and augmented, and presented to Henry VIII with a plea for its publication. Henry failed to heed the plea, and the manuscript remained unpublished until it was put into print by the Hakluyt Society in 1932.[2] The long interval between composition and publication minimizes the importance of Barlow's work except as an historical document. It is more to the present point to record the fact that the American portion of Enciso's book was translated into English by John Frampton and in 1578 published in London under the title, *A Briefe Description of the Portes of the Weast India.*[3] Frampton's version of Enciso is one of the supreme rarities. No copy of it is recorded in England, but it is owned in this country by both the Henry E. Huntington and the New York Public Libraries.[4] A third copy is found in the private library of Dr. A. S. W. Rosenbach, of Philadelphia.

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[1] This paper was read at the April, 1946, meeting.

[2] Henry Harrisse, *Bibliotheca Americana Vetustissima* (New York, 1866), No. 97; José Toribio Medina, *Biblioteca Hispano-Americana* (Santiago de Chile, 7 volumes, 1898–1907), I, No. 56.

One of the most interesting of the several hundred books and other printed pieces which proceeded from the press of New Spain in the

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A brief account of Enciso's career in America is found in Eva G. R. Taylor's introduction to Roger Barlow, *A brief Summe of Geographie* (London, The Hakluyt Society, Second Series, No. LXIX, 1932).

[1] For the source of Barlow's translation, see work cited in preceding note, page xvii.

[2] Barlow, *A brief Summe of Geographie.* See preceding notes.

[3] *Check-list . . . of the Library of Henry E. Huntington* [*English Literature to 1640*] (New York, 1919), 150; Alfred W. Pollard and Gilbert R. Redgrave, *A short-title Catalogue* (London, 1926), No. 10823.

[4] William W. Bishop, *A Checklist of American Copies of "Short-Title Catalogue" Books* (Ann Arbor, 1944), No. 10823. The New York Public Library copy is imperfect.

sixteenth century was the *Physica Speculatio*, which in 1557 was published in Mexico City, the work of Alonso de la Veracruz, Augustinian friar, great scholar, and simple Christian.[1] In the pages of that first work of physical science produced in the western hemisphere were chapters devoted to astronomical theory and to theories concerning the winds and the tides. Though this is the sort of knowledge upon which rests the science of navigation, the book would not be mentioned here if only a single edition of it had come from the press. But that was not the case. This Mexican work so commended itself to contemporary scholarship in Spain that second and third editions of it were printed at Salamanca. No copy of the second edition of 1562 is available for examination in this country, but copies of the third edition, published in 1569,[2] are to be found in several libraries of the United States. In that edition, among numerous extensive revisions and additions, are two chapters wherein are given the latitudes and the distances from one to another of some eighty points on the coasts of the American continents from Labrador southward to the Strait of Magellan and thence northward to the coast of Lower California.[3] Because compass bearings from place to place are not given in the Veracruz list, it was hardly sufficient to serve as a practical pilot, or book of sailing directions, but its assemblage of the fundamental data here described suggests the existence of a lively interest in sixteenth-century Spanish America in the problems of coastal navigation.[4]

A very different kind of importance is associated with another production of the Mexican press, the *Instrucion nauthica* of Diego García de Palacio, printed in Mexico City in the year 1587.[5] In this work, the product of a press operating in a distant outpost of civilization, is comprised a manual of the science of navigation which may be included without apology in the series of books of its sort which, since

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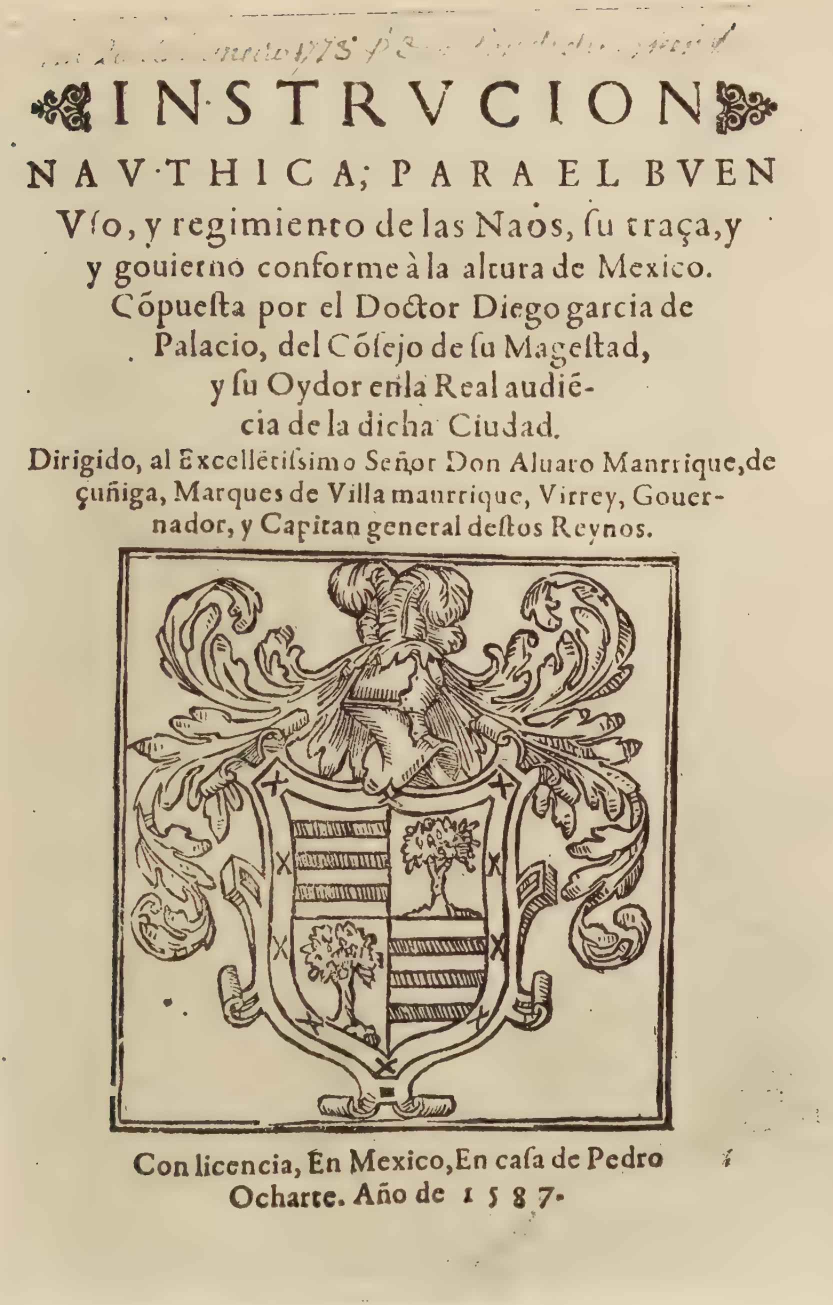
[1] Medina, *La Imprenta en México* (Santiago de Chile, 8 volumes, 1907–1912), I, No. 33.

[2] The Salamanca editions of 1562 and 1569 are described in Medina, *Biblioteca Hispano-Americana*, I, Nos. 190 and 211.

[3] The new material occupies pages 220–225 in the edition of Salamanca, 1569.

[4] My attention was called to this addition to the *Physica Speculatio* of 1569 by Professor Louis C. Karpinski of the University of Michigan in 1924. See John Carter Brown Library, *Report to the Corporation of Brown University, July 1, 1925* (Providence, 1925), 15–16. Before Professor Karpinski's discovery of these passages the interest of the book to the historian of American coastal navigation had not, I believe, been noticed.

[5] Medina, *La Imprenta en México*, I, No. 106.



[illegible] 1775 [illegible]

INSTRVCION NAVTHICA; PARA EL BVEN

Vſo, y regimiento de las Naos, ſu traça, y
y gouierno conforme à la altura de Mexico.
Cõpueſta por el Doctor Diego garcia de
Palacio, del Cõſejo de ſu Mageſtad,
y ſu Oydor enla Real audiẽ-
cia de la dicha Ciudad.
Dirigido, al Excellẽtiſsimo Señor Don Aluaro Manrrique, de
çuñiga, Marques de Villa maurrique, Virrey, Gouer-
nador, y Capitan general deſtos Reynos.

Con licencia, En Mexico, En caſa de Pedro
Ocharte. Año de 1587.

INSTRVCION NAVTHICA

The *Instrvcion navthica* of Diego García de Palacio, earliest American navigation manual, contains a section on shipbuilding and a glossary of nautical terms. (Original measures 7 11/16 × 5½ inches.)

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the *Regimento do estrolabio* was published at Lisbon about 1509, had been coming every few years from the studies of scholars and the cabins of practical navigators of Portugal and Spain. García de Palacio had already published in Mexico in 1583 a work on military science.[1] He was born in Spain into a family of mariners, and his early studies had been directed towards the theory and practice of seamanship and navigation. Among his first employments in America, whither he came in the government service, was the building of ships, and especially experimentation in the building of ships with native American woods. He led in Guatemala and Mexico a life which must have been of interest to himself and which was certainly of importance to his time and place. He came briefly into the pages of world history when, in September, 1587, he was appointed to the command of the expedition which was organized at Acapulco to oppose Thomas Cavendish, then making himself obnoxious to the Spanish of the West Coast.[2] But before the avenging fleet could get well started Cavendish had made his memorable capture of the *Santa Ana* and had sailed far into the Pacific vastness. These circumstances raised a question among the contemporaries of García de Palacio as to whether he would have proved himself as capable in executing the tactics of warfare as he had been in formulating them. Speculation upon that question would be unprofitable.

The *Instrvcion navthica* of García de Palacio is a book of genuine interest in the long list of navigation manuals. Its superior was not to come from the pen of an American writer until Nathaniel Bowditch performed his great work of revision, elaboration, and restatement in 1802. It contains not only the instructions usually found in the manuals but in addition an illustrated section on shipbuilding and a glossary of contemporary nautical terms. Important and useful in its time, it continues to be important to the historian of the sea. Many will recall the frequent and always illuminating references made to it by Samuel Eliot Morison in his *Admiral of the Ocean Sea* (1942).

Well within the scope of this discussion as previously defined is a treatise by Juan de Hevia Bolaños, a Spanish lawyer resident in Peru, on that aspect of the law known in English as the "law merchant," and in earlier days and other lands as the *lex mercatoria*. The *Labyrintho de Comercio terrestre y naval* was published for the first time at Lima in 1617.[1] In his address to the reader Hevia Bolaños informs us that this is the long-promised second and concluding part of a comprehensive book of legal principles and precedents, the *Curia Philippica*, which he had published at Lima in 1603.

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[1] *Dialogos militares*. See Medina, *La Imprenta en México*, I, No. 95, incorrectly numbered 98.

[2] Joaquín García Icazbalceta, *Bibliografía Mexicana del Siglo XVI* (Mexico, 1886), Nos. 90 and 97, records the titles of the two works of García de Palacio here mentioned and in his note to No. 97 gives an interesting biographical sketch of their author. Through inadvertence he wrote that it was Sir Francis Drake's attack upon the West Coast which García de Palacio was commissioned to repel. Medina, *La Imprenta en México*, I, 257, picked up the error and gave it wider currency.

In this Peruvian edition of 1617, the *Labyrintho de Comercio* represents, it is believed, the earliest American work in which a substantial portion of the text is devoted to a statement of the law and custom regulating sea-borne commerce, an aspect of human relationships with roots deep in the past of man's extra-mural activities. The ancient world knew a forerunner of this book in the "Laws of Rhodes," and among the important legal creations of the Middle Ages were the French "Judgments of Oléron," the Swedish "Ordinances of Wisby," and the Catalan "Book of the Consulate of the Sea." The creation of these codes through the centuries and the gradual tacit acceptance of their authority by sailors and merchants mark a process in social evolution, the progress of man's emergence from the brutality and chaos of primitive neighborhood concepts. The community of ideas they set up and even their vocabulary became factors in the development of trade between nations as a normal activity of mankind. The earliest American addition to this ancient literature took its place among the more authoritative works on the subject of the law merchant. It was reissued separately at Madrid in 1619, but after that it appeared many times from 1644 to the middle of the nineteenth century as the second part of the *Curia Philippica*.[2]

In the year 1740 there was published in London a book entitled *A geographical Description of the Coasts, Harbours, and Sea Ports of the Spanish West-Indies . . . Translated from a Curious and Authentic Manu-*

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[1] Medina, *La Imprenta en Lima* (4 volumes, Santiago de Chile, 1904–1905), I, No. 73; John Carter Brown Library, *Report . . . 1929*, 10–11.

[2] Medina, *La Imprenta en Lima*, I, No. 16. For later editions of the *Curia Philippica*, with or without the *Labyrintho de Comercio* as its second part, see the indexes of volumes II–V of Medina, *Biblioteca Hispano-Americana*. See also the fuller list in Antonio Palau y Dulcet, *Manual del Librero* (Barcelona, 7 volumes, 1923–1927), IV, 34–35. An evidence of the importance attributed to the work of Hevia Bolaños is its appearance in the brief list of fourteen titles which Étienne Cleirac cites as his principal references in his work on the law merchant entitled *Les Us, et Coutumes de la Mer* (Rouen, 1671). Cleirac's list of sources and his historical introduction lend a special interest to his work.

script, written in Spanish by Domingo Gonzales Carranza.[1] In its "Preface" and its "Advertisement" appeared assertions to the effect that it was the translation of an incomplete manuscript book of sailing directions recently brought to England by a gentleman long a prisoner of the Spanish at Havana. It is probable that the book was published in time to be of service to the English naval officers in the prosecution of that truly nasty conflict which is called the War of Jenkins's Ear. Whether the statement concerning the origin of the book was true or not, it would have been good advertising policy for its publisher to claim it as deriving from a Spanish manuscript. Because of the scarcity of the printed book, however, and the absence of records of such a manuscript as that described, there could have been few opportunities for confirmation of the publisher's claim until, some months ago, the John Carter Brown Library acquired a manuscript with the following title and declaration of authorship: "Mapa de las Derrotas, y otras Observaçiones a las Corrientes, con la Variacion de la Abiya de Marear, hechas por el Capitan D^n Domingo Gonzalez Carranza."[2] Comparison showed beyond question that the English book, *A geographical Description*, was indeed a translation of large passages in the Spanish manuscript of Domingo González Carranza, thus verifying the claim made two centuries earlier by its London publisher. Further comparison showed either that the manuscript brought to England by the prisoner from Havana was fragmentary or that the English translator made only a selection of what seemed to him its important passages. The Carranza manuscript contains a much more extensive text than the English book, and its geographical scope is larger. Another difference between the "Mapa de las Derrotas" and the English translation is that the Spanish original contains a whole section devoted to the niceties of shipbuilding with particular application to the construction of spars and sails.

The sailing directions of the Carranza manuscript cover the same area of land and sea portrayed upon a chart in the John Carter Brown Library constructed in 1740 by the naval lieutenant Antonio de Matos, that is, the area of the Gulf, the Caribbean, and the Atlantic Coast as far north as Cape Hatteras.[3] Joined in their use, the two must have constituted an aid to navigation of the first importance. The Spanish governmental ban upon the printed publication of maps and written guides to the coasts of its colonies prevented these two works from coming into world-wide usefulness. One may not doubt, however, that many manuscript copies of the Carranza pilot were to be found in the cabins of Spanish ships in the American trade and of Spanish-American ships engaged in coastal traffic. It is permissible to designate both these works, the Carranza pilot and the Matos chart, as American contributions because, obviously, neither could have been created without long and close first-hand acquaintance with those coasts on the part of their authors.

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[1] Joseph Sabin, *A Dictionary of Books Relating to America* (New York, 29 volumes, 1868–1936), III, No. 11030.

[2] John Carter Brown Library, *Report . . . 1946*, 31–36.

[3] John Carter Brown Library, *Report . . . 1944*, 28–33.

This account of the Carranza sailing directions, more complete than other known manuscript guides to the Gulf and Caribbean waters, brings to a close our consideration of Latin-American productions composed as aids to navigation. In succeeding pages the discussion will concern itself chiefly with contributions by residents of the English colonies of North America.

II

Some Questionable Cases

It seems desirable to mention briefly two books in English and one in French which, by the exercise of leniency in definition, might be regarded as American contributions to the science of the sea. The first of these is Captain John Smith's *An Accidence or the Path-way to Experience. Necessary for all Young Sea-men*, London, 1626,[1] and its greatly enlarged revision, *A Sea Grammar*, of the next year. The second of the English authors with historic American background who wrote effectively on the subject of navigation and its problems was Richard Norwood, a man whose residence of more than forty years in Bermuda occurred, for the most part, after his composition of *The Seaman's Practice* of London, 1637.[2] In that work was set forth in detail the survey of the earth's surface from York to London by means of which was finally determined the length of a degree on the great circle.

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[1] Wilberforce Eames in Sabin, xx, Nos. 82812 and 82839. See also under these titles in Sabin for other editions.

[2] Pollard and Redgrave, *A short-title Catalogue*, No. 18691. A copy is in the British Museum and another in the Folger Shakespeare Library, Washington, D. C. For Norwood's life in Bermuda and an account of his maps of Bermuda, see *The Journal of Richard Norwood Surveyor of Bermuda*, with introductions by Wesley F. Craven and Walter B. Hayward (New

The books of Smith and Norwood are mentioned here for the sake of the record. It seems unnecessary to argue the propriety of their inclusion or exclusion from this discussion. There remains to be considered, however, another of these borderline cases, for which a somewhat stronger claim may be made. It will seem to many that if ever a man deserved the designation "American," that man was Samuel de Champlain, founder of New France and resident within it for nearly thirty years, explorer of American coasts and maker of maps elucidating their trends and outlines. Champlain published at Paris in 1632 a treatise in which he summed up his thirty-eight years of experience at sea, chiefly in American waters. The *Traitté de la Marine et du Devoir d'un bon Marinier* first appeared in conjunction with the Paris, 1632, edition of *Les Voyages*.[1] It is a simple and modest little book compounded of principles of seamanship and navigation practice, devoted particularly, the author writes in his address to the reader, to "the matter of reckonings and how to proceed in constructing charts by the aid of the mariner's compass." If this book be permitted in a list of American contributions to the art of navigation, to it must certainly be added the surveys of the Quebec, Port Royal, and other Canadian harbors and the great map, "Carte Geographique de la Nouvelle Franse faictte par le Sieur de Champlain . . . 1612," published with the Paris, 1613, edition of *Les Voyages*. Later, in the 1632 edition of *Les Voyages*, came the more extensive and more important "Carte de la nouvelle france."[2] All these were aids to navigation. Among the greatest of the cartographical monuments in the Library of Congress is the original manuscript of a Champlain map of 1607, "Description des Costs . . . de la Nouvelle France."

York, Scholars' Facsimiles & Reprints, 1945). On pages lxi–lxii are listed sixteen editions of *The Seaman's Practice* in a bibliography compiled by William A. Jackson, Librarian, The Houghton Library, Harvard University.

[1] *The Works of Samuel de Champlain*, Henry P. Biggar, Editor, (Toronto, The Champlain Society, 6 volumes, 1922–1936), VI, 253–346.

[2] The two maps are reproduced in I, Plate LXXXI, and III, Plate X, of the work cited in Note 1, above. Both facsimiles have been located in the portfolio of maps accompanying the work rather than in the volumes to which they relate.

III

A New England Book of the Seventeenth Century

The first English-American book to be discussed is virtually unknown to bibliographers and historians of navigation. The truth is that only three copies of the book, two in England and one in the United States, have so far been located. This work was the production of a one-time citizen of Massachusetts. *Orthodoxal Navigation* of London, 1656, was composed by one Benjamin Hubbard, who described himself on the title page of his book as "late Student of the Mathematicks in Charls Towne in New-England."[1]

Benjamin Hubbard was born in Suffolk, England, in 1608, the son of James and Naomi (or, possibly, Elizabeth) Hubbard. Benjamin emigrated to Boston in 1633, where on August thirtieth he and Alice, his wife, were admitted to membership in the First Church of Charlestown. He was made a freeman in 1634, and the church records show five children born to him and his wife before the end of the year 1644. The Charlestown Land Records define the position of his dwelling house and of his fifty acres of land. In June, 1637, he was "solemly admonished of his failing, for being in company with James Browne and the rest, and often drinking of the strong water bottle with them, and not reproving them." There exist arid spaces in the broad reaches of mathematical science. Even its most devoted students, it seems, occasionally need to clear their minds of sines, cosines, tangents, and secants. Hubbard became involved also in the Antinomian controversy and went so far in 1637 as to write Roger Williams for his "helpe and furtherance" in a plan to be his neighbor "in some place neere adioyning." It was probably late in 1644 that Hubbard left his home in Charlestown for England, for on February 25, 1644/45, he wrote from London to Governor John Winthrop in terms which indicated a recent voyage. He observed in this letter that he had not yet "made tryall" of his "invention concerning Longi-

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[1] *Orthodoxal Navigation. Or, the Admirable and excellent Art of arithmeticall Great Circle-Sailing . . . Together with a new and true Paradoxal Chart.* "By Beniamin Hubbard, late Student of the Mathematicks in Charls Towne in New-England. London, Printed by Thomas Maxey, for William Weekley of Ipswich in Suffolk, and are to be sold by John Rothwell, at the Bear and Fountain in Cheap-side. 1656." Copies of the book are found in the British Museum, the John Carter Brown Library, and (I am informed by Mr. Donald G. Wing of the Yale University Library, editor of the *Short-Title Catalogue, 1641–1700*) in the library of the Royal Society, London. The John Carter Brown copy lacks the six plates, which have been supplied in facsimile from the British Museum copy.

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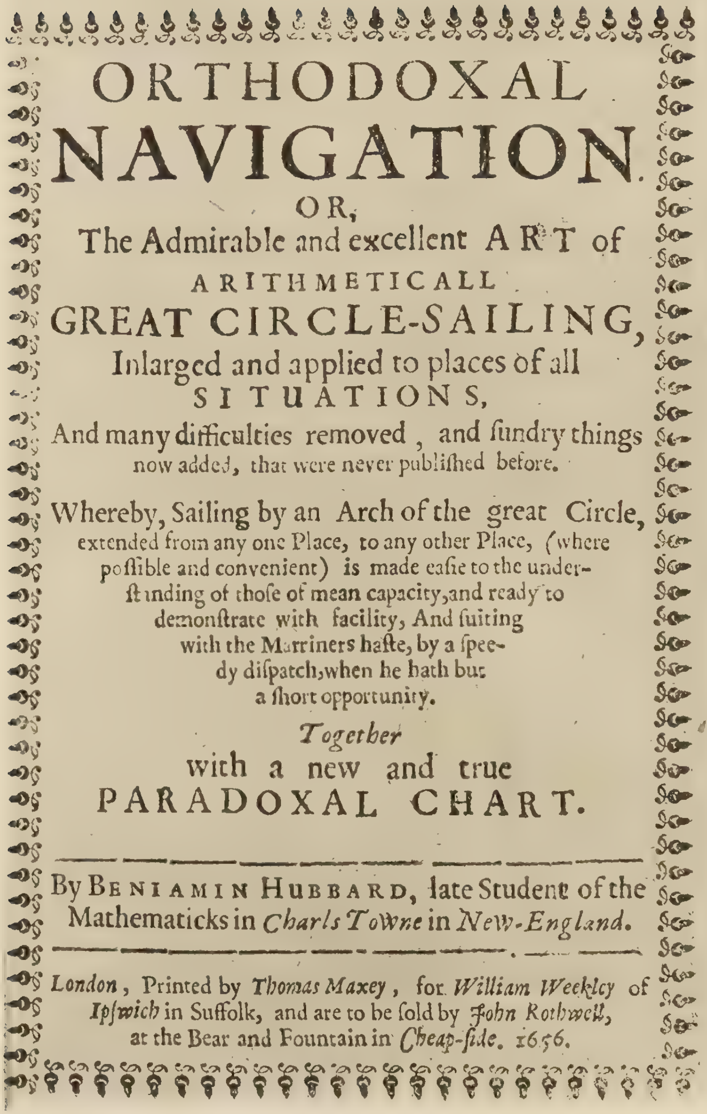

ORTHODOXAL
NAVIGATION.
OR,
The Admirable and excellent ART of
ARITHMETICALL
GREAT CIRCLE-SAILING,
Inlarged and applied to places of all
SITUATIONS,
And many difficulties removed, and ſundry things
now added, that were never publiſhed before.

Whereby, Sailing by an Arch of the great Circle,
extended from any one Place, to any other Place, (where
poſſible and convenient) is made eaſie to the underſtanding of thoſe of mean capacity, and ready to
demonſtrate with facility, And ſuiting
with the Marriners haſte, by a ſpeedy diſpatch, when he hath but
a ſhort opportunity.

Together
with a new and true
PARADOXAL CHART.

By BENIAMIN HUBBARD, late Student of the
Mathematicks in *Charls Towne* in *New-England.*

London, Printed by *Thomas Maxey*, for *William Weekley* of
Ipſwich in Suffolk, and are to be ſold by *John Rothwell*,
at the Bear and Fountain in *Cheap-ſide*. 1656.

ORTHODOXAL NAVIGATION

Benjamin Hubbard's book on great-circle sailing was composed, in part at least, while its author was resident in Massachusetts. (Original measures 6⅛ × 3⅞ inches.)

tude before artists, but a time is appointed for it." In a letter of the same day to John Winthrop, Jr., Hubbard refers somewhat vaguely to what may have been the expected trial of his invention. In 1645 he was joined in England by his wife and children, and as early as 1648 he is described as minister at Copdock, Suffolk. The date of his death is given as October 27, 1660.[1]

It was inevitable, perhaps, that Hubbard's treatise, *Orthodoxal Navigation*, should have passed straight from the printing house into oblivion. It dealt with restricted aspects of the subject, and its solution of the problem with which it was chiefly concerned did not admit of easy and universal application. None the less, one of the procedures its author developed and advocated has a peculiar interest in the history of open-sea navigation. The sea chart in common use today is the chart on the Mercator projection which goes back to the great world map constructed by Gerhard Mercator in 1569. In 1599 Edward Wright explained to the world the principle of the Mercator projection and, as is commonly said, made it practicable for the use of mariners.[2] But the mariners who were benefited by Wright's formulas and explanations were necessarily those who possessed more than a small degree of mathematical knowledge. As late as 1722 Thomas Haselden was urging upon mariners the use of the Mercator projection and defending it against reactionaries then proposing other and less scientific forms of chart.[3] The characteristic of the projection which for a long time prevented its extensive use in navigation was that a great-circle course could not be plotted directly upon it. It was necessary to lay down the great circle upon a globe and from thence transfer it to the Mercator planisphere, plotting it thereon by the angles it made with the successive meridians of the globe. But most globes were so small that these angles could with difficulty be accurately measured. A tedious mathematical process, beyond the abilities of most mariners, was required for their correction.

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[1] I am much indebted to Mr. Samuel Eliot Morison for knowledge of certain facts concerning Hubbard derived from the following sources: Edward Warren Day, *One Thousand Years of Hubbard History* (New York, 1895), 50; *New England Historical & Genealogical Register*, XXIII, 191, and III, 77 and 93; *Third Report of Record Commissioners of Boston* (1878), 55; *Massachusetts Bay Records*, I, 199 and 209; *Records of Court of Assistants*, II (1630–1644), 68; Richard Frothingham, *History of Charlestown* (Boston, 1845), 73; *Collections of the Massachusetts Historical Society*, Third Series, I, 20–21, and Fifth Series, I, 335–336; *Winthrop Papers*, III, 509, and V, 9–10.

It may be added that the Union Catalogue of the Library of Congress records a treatise with a portentously long title which may be briefly stated as *Sermo secularis. Or, A sermon to bring to Remembrance the Dealings of Jehovah with this Kingdom of England . . . ab . . . 1547 . . . ad praesentem Annum, 1647 . . . Preached at Belstead, near Ipswich, July 4, 1647.* "By Benjamin Hubbard, Preacher of the word of God at Copdock in Suffolke. London, 1648." There is a copy of the sermon in the McAlpin Collection, Union Theological Seminary, New York City.

[2] Edward Wright, *Certaine Errors in Navigation . . . detected and corrected* (London, 1599). This notable book was reprinted in 1610 and 1657.

[3] Thomas Haselden, *The Description and Use of that most Excellent Invention Commonly call'd Mercator's Chart* (London, 1722).

Today's simplification of this procedure is found in the use of a planisphere upon the gnomonic projection. A great-circle course plotted directly upon a gnomonic chart takes the form of a straight line. Transferred to the Mercator chart this straight line becomes a curve cutting each meridian at a different angle. The straight line of the gnomonic chart becomes the great-circle arc of the Mercator.[1] Gnomonic charts today are provided by the United States Hydrographic Office to aid in this operation.

The significance of Hubbard's book is that it set forth an early attempt to provide a chart which would perform the service of today's gnomonic chart in the procedure of laying down a great-circle course upon a chart of the Mercator projection. It is not easy to determine whether the remedy he proposed for this fundamental difficulty was entirely original with him or a development of the theories of his generation. He asserted in his dedication to the Masters, Wardens, and Assistants of Trinity House that he had learned much from his predecessors, notably John Davis[2] and Richard Norwood,[3] but that some things "they either quite omitted, or treated of so obscurely, that my shallow capacity could not understand them," a confession which considerably increases the self-esteem of many of us of this day who have pored over the elliptical explanations in which the old masters of navigation seem to take for granted that their readers were looking over their shoulders as they wrote or that they were gifted with the power of reading between and behind the lines of their texts as well as the lines themselves. It must be added that when Hubbard came to

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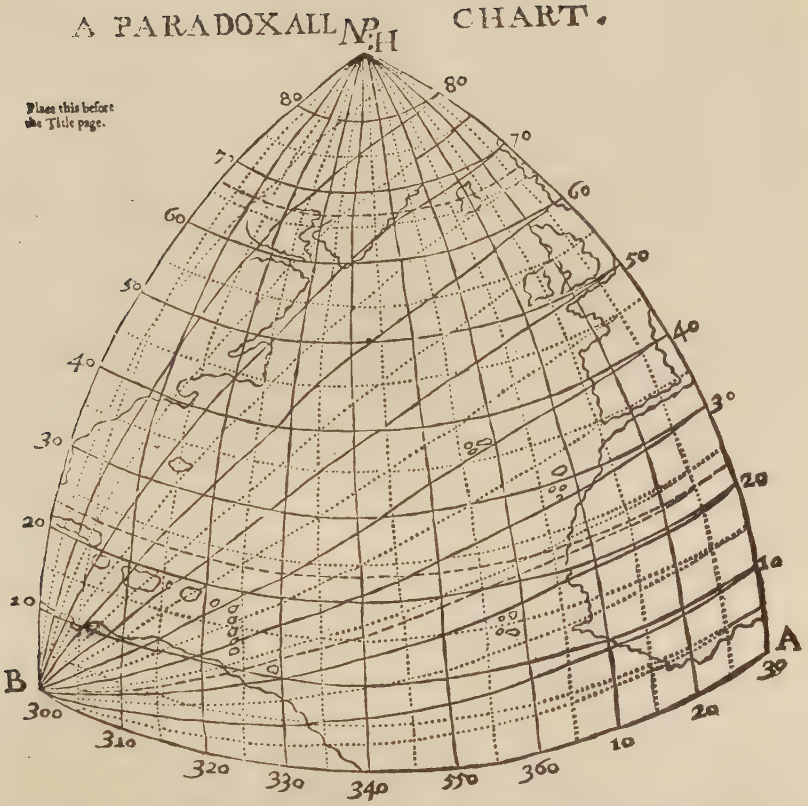
[1] See explanation with diagrams in Charles H. Deetz and Oscar S. Adams, *Elements of Map Projection* (Washington, United States Government Printing Office, 1938), 101–103, and also page 140, where the gnomonic projection is defined as a "perspective projection upon a tangent plane, with the point from which the projecting lines are drawn situated at the center of the sphere."

[2] John Davis, *The Seamans Secrets*, reprinted in *The Voyages and Works of John Davis*, Albert H. Markham, Editor, (The Hakluyt Society, London, 1880), from the edition of 1607. The book was entered in the *Stationers' Register*, September 3, 1594. A copy of an edition dated 1595 is in the New York Public Library.

[3] Richard Norwood, *The Seaman's Practice* (London, 1637). See Note 2, pages 78-79.


A PARADOXALL CHART.
N.P.
H
80
80
70
70
60
60
50
50
40
40
30
30
20
20
10
10
B
A
300
310
320
330
340
550
360
10
20
30

Place this before the Title page.

In this Paradoxal Chart, the Angle at H above repreſents the North Pole, marked alſo with NP.

The lower ſide from B to A repreſents a quarter of the Equator, or Equinoctiall Line.

The ſide B H. part of the Meridian at Longitude 300 degrees.

The ſide A H part of the Meridian at Longitude 30.

And by the ſides B H and A H are figured the degrees of Latitude, with their Parallels, The Tropick of *Cancer*, at 23 deg. 30 min. And the Artick Circle at 66 deg. 30 min.

Then from the Angle B to the Meridian A H there be 18 Arches of great Circles.

I applied it to theſe degrees of Longitude containing that eighth part of the Superficies of the Terreſtriall Globe, wherein long voyages are now moſt frequently made.

A PARADOXALL CHART

The plotting of a great-circle course as set forth in Benjamin Hubbard's *Orthodoxal Navigation.* (Original measures 10¼ × 7³⁄₁₆ inches.)

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make his own explanations, he seems not greatly more lucid than those he criticized, but it is certainly true that he tried earnestly to establish clear rules of procedure and that he had in mind a definite method which he explained by charts, diagrams, and tables of his own construction.

Hubbard's chief contribution to the practice of sailing upon the great circle was the construction of a chart which he called "a new and true Paradoxal Chart." That chart represented the superficies of a spherical triangle embodying one-eighth of the surface of the earth. Upon the chart thus constructed he laid down eighteen great-circle courses. These were computed by the principles of spherical trigonometry, and so far as Hubbard's projection is correct, the courses laid down are correct. His belief was that one or another of the eighteen great circles which he constructed would take the mariner to a landfall within easy distance of his chosen destination. The desired great circle could be selected and then lifted from the paradoxal chart and correctly plotted upon the Mercator chart. In this procedure was to be found the whole point of Hubbard's learned system. Disregarding its exactness or inexactness, we are able to say of him that he gave development in his book to the principle now universally followed in laying down a great-circle course upon a chart of the Mercator projection, that is, its earlier plotting upon a chart of such a projection as would ensure its representation of an arc of the great circle when the transference to the Mercator had been made. Hubbard's solution was to employ for this initial plotting his paradoxal chart; the customary solution today, as already said, is the use for this purpose of a chart upon the gnomonic projection. One of the plates in the Hubbard book is a table of angles which his great circles make with the Equator, providing a ready means for transferring the course from the paradoxal to the Mercator chart.[1]

Even though it has been completely forgotten and is not included in the usual lists of works on navigation, Benjamin Hubbard's book may not be dismissed as unimportant. It is, in fact, one in the line of treatises, beginning with Wright's *Certaine Errors*, which finally established the methods leading to the present position of the Mercator chart in the practice of navigation.

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[1] Mr. David A. Jonah of the Brown University Library, formerly of the Department of Mathematics, has greatly aided my comprehension of Hubbard's work. It would be improper, however, to make Mr. Jonah responsible for whatever inadequacy may appear in the explanation of the Hubbard system given in the text.

IV

The Cartographers Begin their Work

The most elaborate special map produced in the English colonies in the seventeenth century was Augustine Herrman's *Virginia and Maryland*, published in London, engraved by Faithorne, in 1673.[1] The story has been told many times of that memorable production by the soldier of fortune who, after experiences elsewhere in America, settled in New Amsterdam in 1643 as merchant and trader, and died in Maryland in 1686 as lord of Bohemia Manor, a tract of vast acreage.[2] His success as merchant and landowner and his varied services to the communities in which he lived are overshadowed in the minds of most of us by his achievement as the maker of what is commonly called, without elaboration, the "Herrman Map." This notable work was first of all a land map, but such is the topography of tidewater Virginia and Maryland that any map of the area must include Chesapeake Bay and its tributary rivers. In constructing his map Herrman brought within its scope southern Pennsylvania, southern New Jersey, Delaware Bay, and a part of Delaware River. Taking into account the circumstance that Delaware Bay, like the Chesapeake, was beginning to carry a good deal of foreign and local traffic, he gave full attention to his survey of its shoals and channels. Upon his map are recorded soundings and shoals inside both the great bays, along the Atlantic coast of New Jersey, Delaware, and Maryland, and far up the chief rivers emptying into the Chesapeake. Interested on a large scale in the tobacco trade of Maryland and Virginia, interested in the development of lands in the Delaware River area, Herrman naturally wished to make access to those parts easier for European vessels. The Herrman map thus comes within the category of the maritime chart. Between 1673 and 1752 at least eight derivatives or adaptations of the great map were published in England and France. The original of London, 1673, is known today only by the copies in the British Museum and the John Carter Brown Library. The John Carter Brown Library possesses also, in its Blathwayt Atlas, a manuscript version of the map, gorgeously portrayed on vellum in gold and color some time between 1670 and 1680.

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[1] P. Lee Phillips, *The rare Map of Virginia and Maryland by Augustine Herrman* (Washington, 1911); Edward B. Mathews, *The Maps and Map-Makers of Maryland* (Baltimore, 1898), 368–386; John Carter Brown Library, *Report . . . 1930*, 10–15. A facsimile of the map was issued by the John Carter Brown Library in 1941.

[2] For accounts of Herrman's life, see, in addition to the works cited in the preceding note, Earl L. W. Heck, *Augustine Herrman* (Englewood, Ohio, 1941), and Thomas Čapek, *Augustine Herrman of Bohemia Manor* (Prague, 1930).

If there was expressed earlier in this discussion some little doubt as to the effect upon his contemporaries of Benjamin Hubbard's *Orthodoxal Navigation* no such consideration arises in connection with the contribution of the New England cartographer now to be named. Cyprian Southack was a young man of twenty-three years when in 1685 he came to Massachusetts as an officer of the coast guard maintained in New England waters by the British government. Sixty years later he died in Boston after a lifetime of service to the British colonial administration, as well as to the local government, as commander of the *Province Galley* which policed the New England shores from Long Island Sound to Newfoundland.[1] It was Southack's distinction that what he learned in the course of his laborious life of coastal voyaging he recorded in cartographical form for the use of others—data concerning coastlines, soundings, shoals, currents, courses, and all the other elements of danger and safety which have their place upon the maritime chart. As early as 1694 he constructed charts, known only in manuscript form, entitled "A Draught of Boston-Harbor" and "A Draught of New-England, Newfoundland, Nova-Scotia, and the River of Canada," and by the time of his death in 1745 he had made from his own surveys some twenty-five sea charts, large and small, chiefly of the coasts of New England, Nova Scotia, and the broad area of the Gulf of St. Lawrence.[2] The exception to this statement regarding the scope of Southack's interest was his first printed production, [*A New Chart of the English Empire in North America*] of Boston, 1717, an essay in cartography which covers the entire coastline of the Atlantic and the Gulf of Mexico from Labrador to the mouth of the Mississippi.[3] South of Long Island this map is useless for sailing purposes; north of the Sound it charts the coastal waters on a larger scale and with a greater degree of detail than is embodied in the charts of the several editions of *The English Pilot. The Fourth*

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[1] A brief sketch of Cyprian Southack, written by Mrs. Clara (Egli) LeGear, is found in the *Dictionary of American Biography.*

[2] A manuscript list of Southack's maps, compiled by Mrs. LeGear, is on file in the Library of Congress, the John Carter Brown, and other libraries.

[3] *Notes on the Southack Map (Boston, 1717) to accompany the Facsimile issued by the John Carter Brown Library* (Providence, 1942). See also John Carter Brown Library, *Report . . . 1942,* 26–38, and Lawrence C. Wroth and Marion W. Adams, *American Woodcuts and Engravings, 1670–1800* (Providence, Associates of the John Carter Brown Library, 1946), No. 5, for discussions of this map, its maker, and its engraver, Francis Dewing.

Book which preceded it. To be assured of this fact one has only to compare the Boston map of 1717 with the charts for this area in Southack's own copy of the first *English Pilot. The Fourth Book* of London, 1689, a valued possession of the Massachusetts Historical Society. One may feel assured that Captain Southack studied this book with particular intensity. Until he had made his own coastal configurations and offshore soundings, its representations were to him a matter of life or death. But one is amused to find that later when, in all probability, he felt that he knew more than the book could tell him about the New England waters, he began to utilize the volume for another purpose. He realized one day in 1697 that the blank reverses of its maps would serve excellently for the rough drafts of the letters his maritime business required him to write. Evidently he had never been told as a boy that he must not write in his books, because thenceforth this volume became his letter book. Few institutions own the first edition of *The English Pilot. The Fourth Book*; only one owns that work combined with the official correspondence of Captain Cyprian Southack.

Despite obvious defects in the presentation of data, Southack's map of 1717 commends itself to historians because it was a political document as well as a work of cartography, carrying inscribed upon its face an address which strove to awaken the colonies to the danger of the French encroachment. It commends itself to antiquarians and historians of art, furthermore, because it is the first map to be engraved in line upon copper in British North America. It was the work of Francis Dewing of Boston, one of the earliest individuals to practise the craft of line engraving in this country.

The chief of Southack's productions was *The New England Coasting Pilot*, an atlas of eight sheets published in London in 1720, and thereafter, with additions, in 1734, about 1758, and 1775.[1] His name came prominently before the maritime world when the editors of *The English Pilot. The Fourth Book* included in their edition of 1721, and twenty-three times thereafter in the ensuing seventy-three years, his chart entitled, "The Harbour of Casco Bay and Islands Adjacent." A more ambitious Southack chart than that relating to Casco Bay, "A Map of the Coast of New England, from Staten Island to the Island of Breton," seems to have been published first by John Senex, of

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[1] No. 6 in Mrs. LeGear's manuscript list of Southack charts. See Note 2, page 85.

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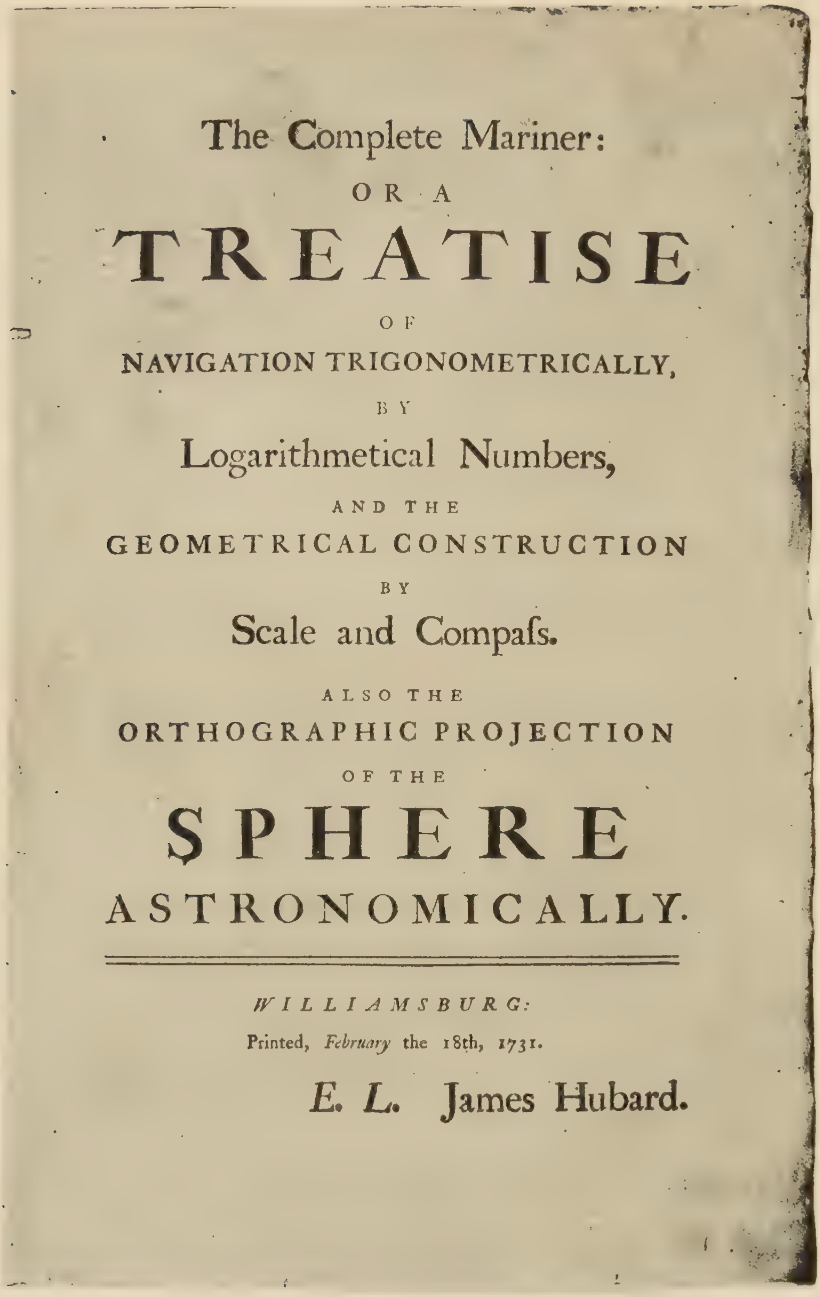

The Complete Mariner:
OR A
TREATISE
OF
NAVIGATION TRIGONOMETRICALLY,
BY
Logarithmetical Numbers,
AND THE
GEOMETRICAL CONSTRUCTION
BY
Scale and Compaſs.
ALSO THE
ORTHOGRAPHIC PROJECTION
OF THE
SPHERE
ASTRONOMICALLY.

WILLIAMSBURG:
Printed, *February* the 18th, 1731.

E. L. James Hubard.

THE COMPLETE MARINER

The Complete Mariner of Williamsburg, 1731, is a treatise on practical navigation. It is a work of folio size with title-page handsomely printed and text in manuscript. (Original measures 14½ × 9 inches.)
Reproduced through the courtesy of the Research Department of Colonial Williamsburg, Inc.

London, about 1744.[1] That chart, too, was long a feature of *The English Pilot. The Fourth Book*, appearing in it first in 1775 and thereafter six times before the end of the century.

Looking back upon the achievement of Cyprian Southack as briefly outlined in the preceding paragraphs, one may not doubt that he performed a definite service to the science of navigation. In his own time and for fifty years after his death, certain of his charts were at all times in the hands of English and American mariners. Because of the inclusion of these charts in *The English Pilot. The Fourth Book* the seal of authority was stamped plainly upon them. If one may use sentiment, as has sometimes been done, to bridge the breaks in a line of descent, it is not difficult to think of Southack as the ancestor of the United States Coast Survey, which today carries on a continuous charting and recharting of our waters.

V

Navigation Aids and Studies in Virginia, Maryland, and Pennsylvania

Except for the Herrman map, *Virginia and Maryland*, published in 1673, no navigational aids in the form of books or charts seem to have proceeded from the colonies south of Long Island Sound in the seventeenth century. In the first half of the eighteenth century, however, there are to be observed in that section varied indications of interest in the art of navigation.

There is found in the possession of the Research Department of Colonial Williamsburg a book comprising a printed title page and thirty pages in manuscript which must be given consideration in this discussion. The title page reads as follows: "The Complete Mariner: or a Treatise of Navigation trigonometrically, by Logarithmetical Numbers, and the geometrical Construction by Scale and Compass. Also the Orthographic Projection of the Sphere astronomically. Williamsburg: Printed, February the 18th, 1731. E. L. James Hubard."

It is not proposed to discuss at length this curiously interesting book. It raises so many questions as to authorship and purpose that it should become the subject of a special study. One naturally thinks of the statement beneath the imprint, "E. L. James Hubard," as meaning "Ex Libris James Hubard," a mere indication of ownership.

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[1] A copy of the original Senex edition is in the New York Public Library.

It may be, however, that there was a relationship of a James Hubard with the actual composition of the book. That is one of the questions that awaits an answer.[1] It is probable that in this work we have one of those manuscript textbooks which played a part of importance in the educational system of colonial America.[2] Productions of this sort, however, were not usually provided by authors or copyists with printed title pages. William Parks, the printer, went to Williamsburg in the summer of 1730. One of his early jobs outside the government work must have been the setting of the *Complete Mariner* title page. It would be interesting to know the purpose behind its printing. But whatever that purpose may have been, the existence of the book suggests that in 1731 in the place of its origin there was a living interest in the subject of navigation.

The offer in 1714 by the Parliamentary Commission on the Longitude of a reward of £20,000 to anyone who should devise a practicable method of determining accurately longitude at sea echoed throughout the world. It is not a matter for surprise that it was heard on the American shores. In the *Maryland Gazette* for May 27, 1729, one John Smith, of Cecil County, Maryland, addressed the community at large in a letter in which he intimated, as Sebastian Cabot had done two centuries earlier, that God had revealed to him a method for determining longitude at sea. With what seems unusual simplicity or a remarkable degree of trustfulness in his fellow man, Mr. Smith offered to share this precious knowledge provided the person made the recipient of the secret would not forestall him in the matter of the Parliamentary reward. The whole incident is without point except that it has about it a pleasing screwiness—no other word seems appropriate—and that it indicates the world-wide interest then existing in the ancient problem of determining longitude at sea.

While Mr. Smith was pondering the problem of longitude in Cecil County, Maryland, a more practical sort of man was at work on navigation matters a few miles away in Philadelphia. This survey of contributions to navigation has concerned itself so far with books of sailing directions, charts, and manuals of practice. Nothing has yet been said of instruments of navigation. American inventiveness was now to have its part in the development of these aids to the mariner. The story next to be related has to do with one of those curious incidents in the history of science and mechanics in which two men without collusion arrive at identically the same results at almost the same time. It seems to have been about the year 1730 that Thomas Godfrey, the Philadelphia glazier and natural mathematician, brought to a virtual conclusion his construction of an instrument of observation upon the principle which in 1734 appeared before the world embodied in the Hadley quadrant, the implement which very slowly supplanted upon the ships of the world the celebrated Davis quadrant continuously in use for something like two centuries. The claim to priority was asserted by Godfrey as early as 1734, and support of his claim was given promptly and effectually by James Logan, of Pennsylvania.[1] The Royal Society recognized his deserts to the extent of giving him a reward in the form of household furniture to the value of £200. In his representations to the Royal Society, Logan affirmed his belief that the Godfrey quadrant had been actually used at sea six months before Hadley's had been described. Certainly the fact that Godfrey made such an invention seems never to have been doubted. There is an unprejudiced statement in a work by an English writer published in London about 1740, entitled *The Description, Use, and Excellency of a new Instrument, or Sea Quadrant, invented by Caleb Smith.*[2] The author of this work, presumably Smith himself, writes as follows on the subject of the quadrant of the kind invented by Godfrey and Hadley, which he believed had been supplanted already by his own improvement: "Those who first surmounted this Difficulty, were Mr. Hadley in London, and Mr. Godfrey in Pensilvania . . . it is somewhat surprising, that both these Gentlemen, tho' at a great Distance, had the good Fortune, unknown to each other, to hit upon this useful Invention, about one and the same time; for it appear'd upon a careful Examination before the Royal Society, that Mr. Logan,

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[1] This book was first brought to my attention several years ago by Miss Bertha Frick of the Columbia University Library, who came upon it in the course of her compilation of a bibliography of Virginia imprints. Recently Mr. Arthur Pierce Middleton, whose study of the maritime history of the Chesapeake is soon to be published by the Institute of Early American History and Culture, Williamsburg, sent me a full and interesting memorandum on the book.

[2] On this subject see *Papers of the Bibliographical Society of America*, XXXII (1938), 17–37: James Mulhern, "Manuscript School-Books."

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[1] Carl and Jessica Bridenbaugh, *Rebels and Gentlemen* (New York, 1942), 307–308.

[2] It is incidental to our main interest to observe that Caleb Smith's sea-quadrant was a modification of the Hadley quadrant in that it was equipped with a telescope. It is illustrated in a folding plate accompanying the book cited in the text. Mr. George L. Miner of Providence has deposited temporarily in the John Carter Brown Library a quadrant of the sort illustrated in the Caleb Smith book. Upon its arc is stamped the statement: "Made by Benjamin King in Newport for [*blank space for owner's name*]."

Chief-Justice of the Province of Pensilvania, had transmitted an accurate Description of Mr. Godfrey's Instrument to England, before Mr. Hadley's was publish'd in the *Philosophical Transactions*; and accordingly a Minute is made of this Affair in the Royal Society's Books. The original Proofs, or Affidavits that were made, in Mr. Godfrey's Favour, remain in the Hands of Mr. Peter Collinson, F.R.S."

VI

Two Notable Charts of the Chesapeake

Along the shores of the Chesapeake and upon the rivers and creeks which flowed into it lay the tobacco plantations of Virginia and Maryland. At the head of the Bay and at other places in the tidewater area were iron manufactories which began, in the first half of the eighteenth century, to be of considerable potential importance in the English economy. Staves and timber from the local forests had also become in that period an important exportation of the Chesapeake colonies, and all these—tobacco, iron, and wood products—were bulky commodities requiring many bottoms for their shipment. As the middle years of the century approached, the Chesapeake became one of the busiest waterways of the country. Within it were to be found the ships of England, New England, and the West Indies. It is not a matter for surprise, therefore, that there was created in 1735 a large chart of the bay and some of its principal rivers for the comfort of the captains who came thither for the iron and timber and for the bulky hogsheads of Sweet Scented and Oronoco. This was the chart entitled, *To the Merchants of London Trading to Virginia and Maryland, This Mapp of the Bay of Chesepeack, with the Rivers Potomack, Potapsco North East, and part of Chester, Is humbly Dedicated & Presented, by Walter Hoxton. 1735.* It is impossible to write on the subject of American contributions to navigation without mentioning this large and detailed chart, even though not everyone may be inclined to accept it as an American work. Walter Hoxton was a shipmaster in the tobacco trade who made twenty-three voyages to Maryland between 1699 and 1735. His brother and his nephew removed from London and settled in Maryland at some time before the publication of the chart, just how long before is not clear. Because of this long association with it and because of the residence there of his closest relatives he may have regarded that colony rather than London as his home station. Obviously he must have stayed in the country for long periods in order to acquire the close familiarity with its bay and rivers displayed in the configurations and in the record of soundings engraved upon the chart which bears his name.

The Hoxton chart of the Chesapeake measures thirty-seven by fifty-six inches. Upon its face are engraved detailed sailing directions for special areas. Its most interesting inscription, however, is the extensive one headed "An Attempt towards Assertaining the Limits Course & Strength of the North East Current on the Coast of Virginia." Appended to the description of what we now call the Gulf Stream, Hoxton gave a set of tables showing the limits of the stream so far as these affected ships bound for the Virginia capes. In a later section it will be pointed out that Hoxton anticipated the work of both Benjamin Franklin and William Gerard De Brahm in the study of the Gulf Stream as a factor in transatlantic navigation.

Two copies of the Hoxton chart are found in the British Museum and one in the Public Record Office. So far as known, the only copy preserved in this country is the well-worn specimen owned by the Maryland Historical Society. In its original form, therefore, it is little known, but its derivatives, as will develop, are familiar to many students of American maritime history.[1]

In the year 1776 the London publishers, Robert Sayer and John Bennett, brought out *A New and Accurate Chart of the Bay of Chesapeake . . . Drawn from Several Draughts made by the most Experienced Navigators, Chiefly from those of Anthony Smith Pilot of St. Marys . . . 1776*, a cartographical production in the grand manner splendidly engraved and printed on four large sheets, measuring, overall, thirty-seven and one-half by fifty-five inches.[2] It seems impossible to say more of Anthony Smith than is conveyed by the designation of him in the title and in another place on the face of the map as a pilot of St. Mary's, the ancient Maryland town which lies close to the point where the Potomac enters the Chesapeake. The question of identifying Anthony Smith becomes one of small consequence, however, when it is realized that the great chart which bears his name is but a revision, without acknowledgment, of the Hoxton chart of forty years earlier. Its additional matter and its revised soundings are of importance, but it remains true that in all its essentials the Anthony Smith chart is the Walter Hoxton chart in a new dress. So few and so superficial in character are the differences between the two charts that the Smith production could well have been engraved from a copy of the older chart annotated by the Pilot of St. Mary's. That dim figure, by the way, may have been completely innocent of the deception practised by the publishers in distant London.

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[1] Mathews, *The Maps and Map-Makers of Maryland*, 386–388, early called attention to this admirable cartographical production. The indebtedness of the author of this paper to Mr. Arthur Pierce Middleton, gratefully acknowledged in an earlier note, has been increased by a communication received from him on the subject of the Hoxton chart. The present account of it and its derivatives and the data on Walter Hoxton himself have been made available through Mr. Middleton's generous interest. In his own forthcoming work this chart will receive extended treatment.

[2] Mathews, *The Maps and Map-Makers of Maryland*, 402–403; P. Lee Phillips, *A List of Maps of America* (Washington, 2 volumes, 1901), 227–228, and *List of Geographical Atlases* (Washington, 4 volumes, 1909–1920), I, Part 2, No. 1209–1211.

It was the fortune of this chart, bearing the name of a Maryland pilot, to become, soon after it appeared, one of the chief elements in the second part, published in 1777, of the maritime atlas known as *The North American Pilot.* In that memorable collection it may have become of high usefulness to the British ships and squadrons which entered the Chesapeake at various times throughout the Revolution. But in the year 1778 it was reëngraved in Paris and placed in the *Pilote American Septentrional*, Le Rouge's French version of *The North American Pilot.* In the same year it was copied in reduced size for the express use of the French navy, and in 1780 was published by royal order, with many other American maps, in the *Neptune Americo-Septentrional.* In these forms it may equally well have served the French allies of the American cause. It is within the probabilities, indeed, that it played a part of some importance in the tactics and strategy of Admiral De Grasse when in 1781 his blockading fleet made untenable the position of Cornwallis at Yorktown and aided materially in forcing that general's surrender. In 1794 the Anthony Smith chart was reissued in London with the imprint of Laurie & Whittle.

VII

Later Pennsylvania Contributions

The growth of Philadelphia as a port made it inevitable that sooner or later the great difficulty of approaching the city by way of Delaware bay and river should be given consideration by the cartographers and compilers of sailing directions. The sand bars and shallows of bay and river required that ships be piloted through the channels, and from early times down to the present day the pilot station at Lewes, Delaware, called Pilot Town on the chart now to be described,

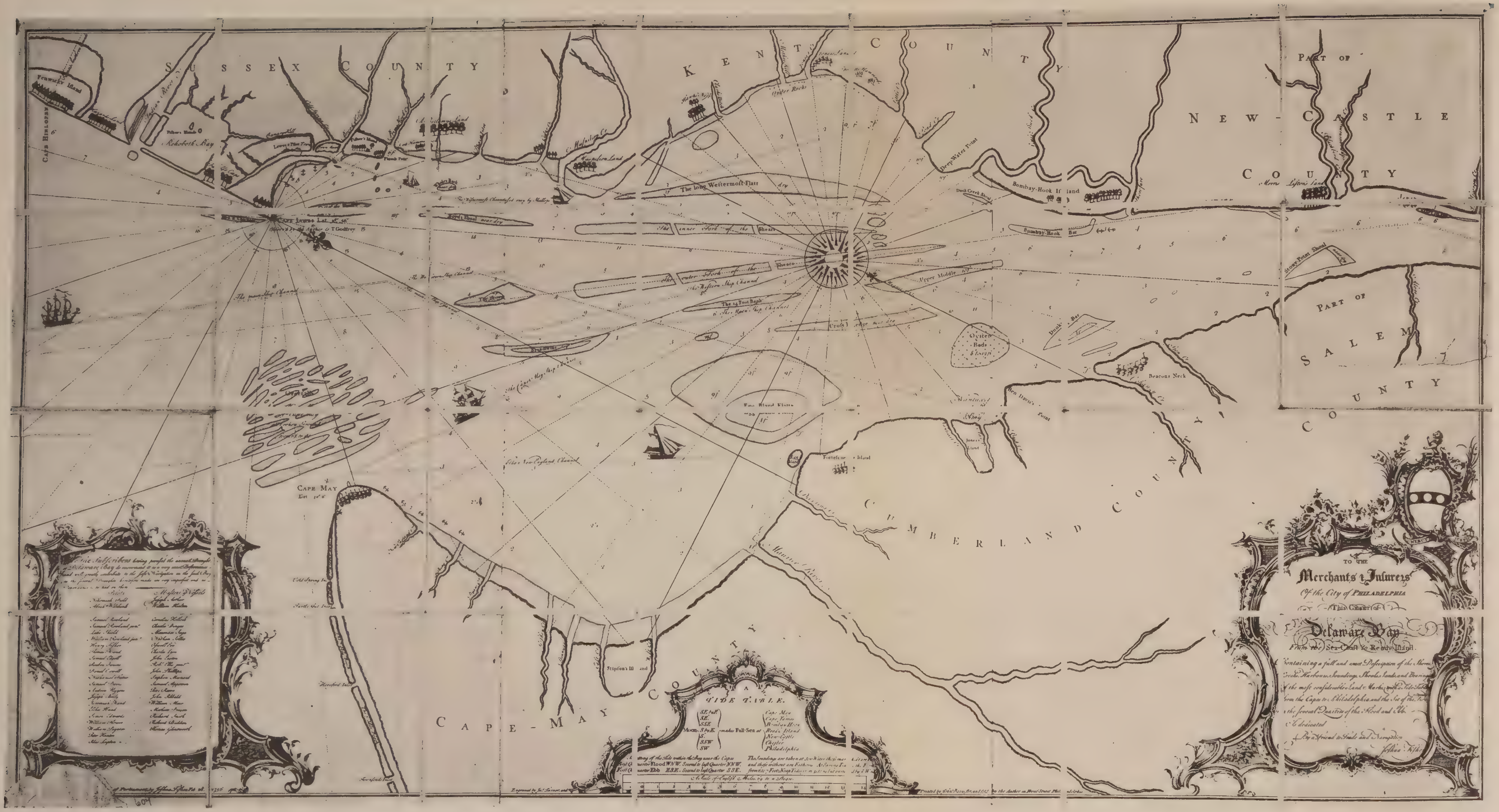
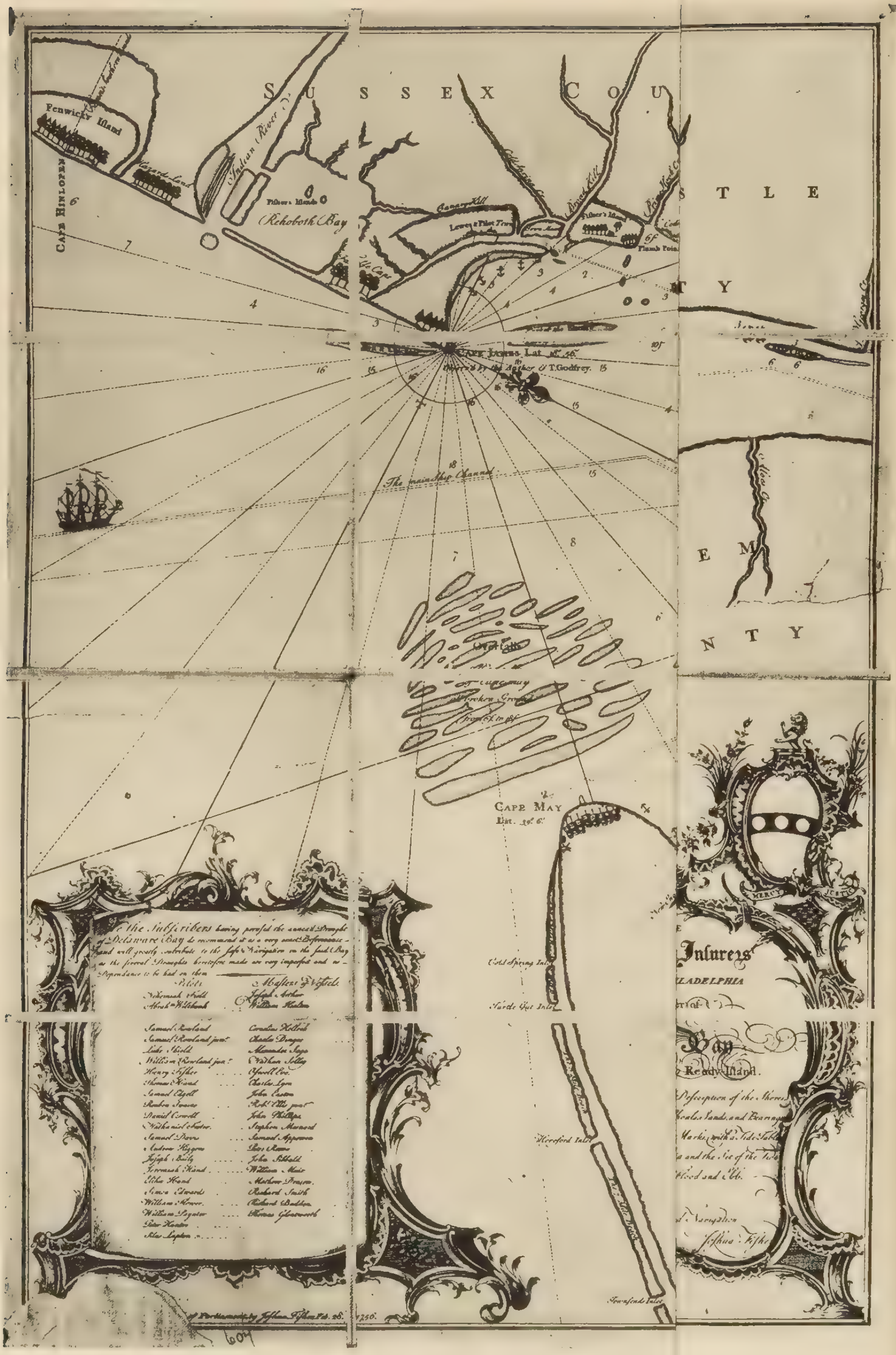

SUSSEX COUNTY
KENT COUNTY
NEW-CASTLE COUNTY
PART OF
PART OF SALEM COUNTY
CUMBERLAND COUNTY
CAPE-MAY COUNTY
CAPE HINLOPEN
Fenwick's Island
Rehoboth Bay
Cape Inlope Lat. 38. 46
The long Westermost Flatt
Bombay-Hook Island
Bombay-Hook Bar
Deep-Water Point
Duck Creek Shoal
Upper Middle
Oyster Beds
Beacons Neck
Fortescue Island
Jones Island
Cape May
Stipson's Island
The 14 Foot Bank
Cross Ledge
Four Island Flatts
The New-England Channel
Stony Point Shoal
A TIDE TABLE.
TO THE
Merchants & Insurers
Of the City of PHILADELPHIA
This Chart of
Delaware Bay
From the Sea-Coast to Reedy-Island.
Containing a full and exact Description of the Shores, Creeks, Harbours, Soundings, Shoals, Sands, and Bearings of the most considerable Land-Marks, with a Tide Table from the Capes to Philadelphia and the Set of the Tide in the several Quarters of the Flood and Ebb
Is dedicated
By a Friend to Trade and Navigation
Joshua Fisher

CHART OF DELAWARE BAY

The original *Chart of Delaware Bay* by Joshua Fisher, published, and suppressed, at Philadelphia in 1756. (Original measures 24⅜ × 46¾ inches.)

Reproduced by courtesy of The Maryland Historical Society from the only specimen known to be in existence.



S U S S E X C O U
S T L E
T Y
E M
N T Y
CAPE HINLOPEN
Fenwicks Island
Indian River
Rehoboth Bay
Lewes & Pilot Town
Broad Kill
Fisher's Island
Flamb Point
CAPE JAMES Lat 38° 56'
Observ'd by the Author & T.Godfrey.
The main Ship Channel
Broken Ground
CAPE MAY
Lat. 39° 6'
Cold Spring Inlet
Turtle Gut Inlet
Hereford Inlet
Townsends Inlet
MERCY
JUSTICE
Insurers
LADELPHIA
Bay
Ready Island.
Description of the Shores
Shoals Sands and Bearings
Marks, with a Tide Table
and the Set of the Tide
Flood and Ebb.
Navigation
Joshua Fishe
We the Subscribers having perused the annexed Draught of Delaware Bay do recommend it as a very exact Performance and will greatly contribute to the safe Navigation on the said Bay as the several Draughts heretofore made are very imperfect and no Dependance to be had on them
Pilots
Masters of Vessels
Nehemiah Field
Abrah^m Wiltbank
Samuel Rowland
Samuel Rowland jun^r
Luke Shield
William Rowland jun^r
Henry Fisher
Thomas Hand
Samuel Edgell
Reuben Evans
Daniel Crowell
Nathaniel Foster
Samuel Dove
Andrew Higgins
Joseph Baily
Jeremiah Hand
Elihu Hand
Simon Edwards
William Brewer
William Paynter
Peter Hunter
Silas Lupton
Joseph Arthur
William Heaton
Cornelius Hollock
Charles Dingee
Alexander Sage
Nathan Jolley
Oswell Eve
Charles Lyon
John Easton
Rob^t Ellis jun^r
John Phillips
Stephen Mesnard
Samuel Appowen
Peter Reeve
John Sibbald
William Muir
Mathew Pearson
Richard Smith
Richard Budden
Thomas Glentworth
of Parliament by Joshua Fisher Feb. 28. 1756.
604

The original *Chart*

has been important in the maritime life of the Pennsylvania city. It was doubtless from the intimate knowledge of the Lewes pilots, as well as from his own surveys, that Joshua Fisher constructed his *Chart of Delaware Bay from the Sea-Coast to Reedy-Island* and caused it to be engraved and printed in a few copies at Philadelphia in 1756.[1] The accuracy of Fisher's portrayal of that difficult passage was attested on the face of the chart by twenty-two Delaware Bay pilots and by twenty shipmasters whose business customarily took them to Philadelphia. If one may judge from the frequency of its republication,[2] it remained the standard guide to the Delaware Bay and River passage until the end of the century. It has been said, indeed, that it continued to be the chief guide to those waters until they were charted by the United States Coast Survey in 1846.

The original Philadelphia, 1756, edition of Joshua Fisher's *Chart of Delaware Bay* is known to exist today only in the copy owned by the Maryland Historical Society. One explanation of this extraordinary degree of rarity is to be found in the apprehension felt by the governor and council of Pennsylvania lest the dissemination of such a guide in 1756, in the midst of war, should enable a French fleet to find its way through the sand bars which formed the protection of Philadelphia against invasion by sea. Fisher was ordered, therefore, to postpone the publication of his chart until that danger should be past. In his reply to the governor's communication the map-maker protested that among the threescore pilots regularly cruising off the Delaware capes in the navigation season some would inevitably be found to provide guidance to the invader, or that, if such guidance were not available, an enemy who might have obtained possession of a copy of the chart would be deterred from entering the Bay by its portrayal of the complexity of the channels to be followed. Furthermore, he clearly stated, the intricate passage of the upper river from Reedy Island to Philadelphia had been left uncharted, and for that reason the map as engraved was virtually useless to a stranger. And, finally, in a *nota bene* which may have been disquieting to governor and council, he added that a few copies of the chart had already been printed and delivered to subscribers and that some of these had even been sent to England. He begged that he be allowed to continue with his distribution and thus complete a project upon which, at the solicitation of others, he had expended a deal of time and trouble and a considerable sum of money.[1]

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[1] Charles Evans, *American Bibliography*, No. 7657.

[2] Phillips, *A List of Maps of America*, I, 262–263, and his *List of Geographical Atlases*, I, Part 2, Nos. 1207, 1208, and 1209.

The circumstance that the Fisher chart is known in only one copy in the state in which it was partly published in 1756 suggests that Fisher's protest was not listened to, and that the distribution of the larger part of his edition was prevented by authority.[2] A second edition of the chart, completely reëngraved, is known to exist in at least three copies. Though this edition is without place of publication, date, or name of engraver, it is not difficult to accept the attribution generally made of it to Philadelphia. Its date could be any time between the removal of the fear of invasion in the closing years of the French and Indian War and the year 1776, when it served as the model for the London reëngraving of the chart of that year. The year 1775 has been suggested for it, and that seems a reasonable assumption. The notable difference between the first edition of 1756 and this second edition of about 1775 is that in the second the channel is carried up the Delaware River from Reedy Island to the Philadelphia docks.[3]

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[1] *Pennsylvania Archives*, First Series, II (1853), 592–594.

[2] The dedication and title within the cartouche of the Maryland Historical Society copy read as follows: *To the Merchants & Insurers of the City of Philadelphia this Chart of Delaware Bay from the Sea-Coast to Reedy-Island. Containing a full and exact Description of the Shores, Creeks, Harbours, Soundings, Shoals, Sands, and Bearings of the most considerable Land-Marks; with a Tide-Table from the Capes to Philadelphia, and the Set of the Tide on the several Quarters of the Flood and Ebb. Is dedicated by a Friend to Trade and Navigation Joshua Fisher.* The imprint reads: "[Published according to Act] of Parliament, by Joshua Fisher, Feb: 28. 1756. Engraved by Ja^{s} Turner, and Printed by John Davis for, and sold by the Author in Front-Street Philadelphia." Evans No. 7657 enters the chart under virtually this title and imprint, but his entry has always teased investigators because of his failure to locate a copy or to refer to the source of his information.

[3] In view of the confusion that exists in connection with the Joshua Fisher map, it seems advisable to set down the recognized editions and issues of it chronologically under places of publication, as follows:

Editions of Philadelphia

1. Fisher's original, dedicated to the Merchants & Insurers of Philadelphia, published in 1756, without portrayal of upper river channel, and with *twenty* shipmasters signing testimonial. Copy: The Maryland Historical Society.
2. Edition dedicated also to the Merchants & Insurers of Philadelphia, with upper river channel portrayed, and with *twenty-two* shipmasters signing testimonial. This edition, printed from an entirely different plate, is attributed by the Rosenbach Company (No. 184 in catalogue, *The Sea*, 1938) to Philadelphia, 1775. This edition was not necessarily printed in Philadelphia, but the attribution of it to that city seems reasonable. *Copies:* Historical Society of Pennsylvania, with handwritten date "Feb. 28, 1756" in cartouche. The copy described in the Rosenbach catalogue was later sold to the Atwater Kent Museum, Philadelphia. A third copy is in the William L. Clements Library.

Editions of London

3. Faden, London, March 12, 1776. (Phillips, *A List of Maps of America*, I. 262. Copies in Library of Congress and other libraries.)

There exist in the Historical Society of Pennsylvania two manuscript versions of the Fisher map. One of these, signed by Joshua Fisher, includes the passage of the river only to Reedy Island, while the other carries it all the way to Philadelphia. It has been sensibly concluded that the first of these is the original draft of the Fisher map of 1756, while the second, with its delineation of the river passage to Philadelphia, provided the copy for the second Philadelphia edition mentioned above under the attributed date 1775. This feature was incorporated in the London reëngraving of 1776 found in Faden's *North American Atlas* and in the second part of Sayer & Bennett's edition of Thomas Jefferys's *North American Pilot*, published in 1777.

There seems to exist no record of sailing directions having been issued to accompany the original Philadelphia edition of the Fisher chart, but in 1776, the year the chart was reëngraved in London, there was published separately in that city by "W. Faden (Successor to the late Mr. T. Jefferys)" a printed guide entitled *Directions for navigating up Delaware-Bay, from the Capes to Reedy-Island*, "by Capt. James Campbell, Late Commander in His Majesty's Navy."[1] The association seems clear between this guide, issued by Faden in 1776, and the Joshua Fisher *Chart of Delaware Bay* in one of its several editions.

In the Library Company of Philadelphia there is found the single

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4. Sayer & Bennett, London, July 10, 1776. (Phillips, *A List of Geographical Atlases*, No. 1209. Copies in many libraries.)
5. Andrew Dury, London, November 30, 1776. (Phillips, *A List of Maps of America*, I. 262. Copy in Library of Congress.)
6. Laurie & Whittle, London, May 12, 1794. (*Ibid.* I. 263. Copies in Library of Congress and other libraries.)

Editions of Paris

7. Le Rouge, 1777. (*Ibid.* I. 262. Copies in many libraries.)
8. *Neptune Americo-Septentrional*, 1778. (Phillips, *A List of Geographical Atlases*, No. 1211.)

For a very brief comment upon the Fisher chart, see Marion V. Brewington, "Maritime Philadelphia, 1609–1837" in *The Pennsylvania Magazine of History and Biography*, LXIII (April, 1939), where opposite page 93 is a reproduction of the chart from the Historical Society copy entered in this note as No. 2. A more extended, unsigned note in the same magazine, LIX (April, 1935), 181–182, asks for information concerning the editions of the Fisher chart. At that time the presence of a copy of the first edition of the chart in the Maryland Historical Society was not widely known. The author is grateful for a letter from Mr. Edwin Wolf, II, of Philadelphia, discussing the editions of the Fisher chart, and to Mr. Roland Tree of London and Mr. J. Clements Wheat of Bay City, Michigan, for knowledge of the location of the 1756 edition of the chart. He is under obligation, also, to Mr. James W. Foster, of the Maryland Historical Society, for two photographs of the map, and for permission to reproduce it.

[1] Copy in the John Carter Brown Library. See also description of another copy in note to Item 185 in *The Sea*, catalogue issued by the Rosenbach Company, 1938. A third copy is in the Library of Congress.

known copy of a broadside, clearly of Philadelphia publication, entitled *Directions to sail into and up Delaware Bay.* This summary guide to a difficult passage is undated, but a note written in longhand in its lower margin attributes it to the year 1778, and under that year it has been entered in Evans's *American Bibliography.* Upon first learning of the existence of the broadside and of its allocation to this date, one's natural inclination is to suspect that it was merely a copy of Captain Campbell's *Directions* of London, 1776, but a comparison of the two shows that this was not the case and that the Philadelphia broadside is an independent production, a set of directions of local publication which may be thought of as also of local authorship.[1] If the date of issue of the broadside was between September, 1777, and June, 1778, it may have been a publication of the British forces then occupying the city.

The business of publishing sailing directions was not entirely new in Philadelphia when the broadside *Directions* was printed about 1778. In 1774 William and Thomas Bradford, printers, brought out an anonymous publication, *Directions for the Gulph and River of St. Lawrence.*[2] Because of likeness of purpose and title one might suppose that this pilot was the basis of the "Sailing Directions for the Gulf of St. Lawrence," which appeared a year later in London as one of the elements in *Sailing Directions for the North-American Pilot.*[3] Comparison shows, however, a complete absence of similarity between the texts of the two works, nor does there seem to be any likeness between the Philadelphia directions and those in contemporary editions of *The English Pilot. The Fourth Book.* In the absence of contradictory evidence, therefore, it seems permissible to describe the *Directions for the Gulph and River of St. Lawrence*, of Philadelphia, 1774, as an American contribution and one of the earliest sets of sailing directions to be separately printed in what is now the United States.

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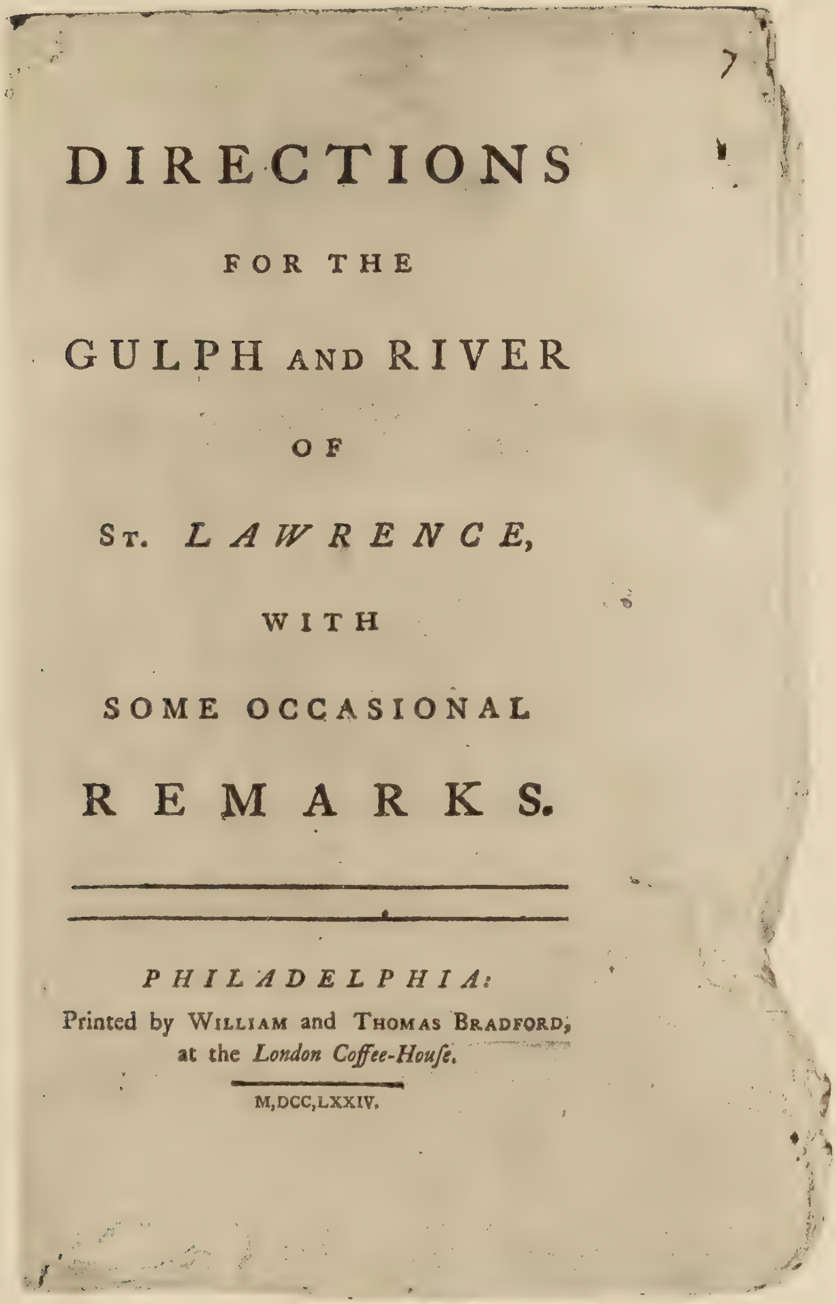
[1] Evans No. 15784. A photostatic copy of this broadside was sent me by Mr. John H. Powell of the Free Library of Philadelphia, with which institution the Library Company of Philadelphia, Franklin's ancient foundation, is now incorporated.

[2] Copy in the John Carter Brown Library.

[3] This work was brought out in 1775 to accompany Part I of the Thomas Jefferys, *North American Pilot*, published by Sayer and Bennett in London in 1775. The "Sailing Directions to the above Charts" are advertised on the title page of the *Pilot* as available. The important part played by Captain James Cook in the surveys upon which the charts of the Canadian waters were based is summed up in *The Logs of the Conquest of Canada*, William Wood, Editor, (Toronto, Champlain Society, 1909), xix–xxvi.



DIRECTIONS

FOR THE

GULPH AND RIVER

OF

St. *LAWRENCE*,

WITH

SOME OCCASIONAL

REMARKS.

PHILADELPHIA:
Printed by William and Thomas Bradford,
at the *London Coffee-Houſe.*

M,DCC,LXXIV.

DIRECTIONS *&c.*

Directions for the St. Lawrence, of Philadelphia, 1774, is one of the earliest printed publications of sailing directions to be made in what is now the United States. (Original measures 8 9/16 × 5 1/4 inches.)

VIII

The Charts of Abel Buell and Bernard Romans

About the year 1770 the inhabitants of the Connecticut River towns determined that the navigation through and about the sands of Saybrook Bar, lying athwart the entrance to their waterway, should be rendered safer and easier. One of the means proposed to this end was the publication of a hydrographical survey which Captain Abner Parker, of Saybrook, had recently made of the area. In response to their petition of October, 1770, the Connecticut General Assembly gave them permission some two years later to raise by public lottery the money needed to carry their plans into effect. Captain Parker's chart, with the sand bars indicated and with courses and soundings laid down upon it, was engraved by Abel Buell, then of New Haven, and published in that town late in 1773 or early in 1774, though it is true that its dedication to the Governor and Company of Connecticut bore the date 1771. *Cap^{t} Parker^{s} Chart of Saybrook Barr* is a large engraving on two copperplates, measuring, when put together, twenty-six and three-quarters by thirty-nine and three-eighths inches. It has been regarded with interest by the bibliographers and local historians of the past generation or so, but in that period no copy has been seen or reported except the specimen preserved in the Connecticut Historical Society. This aid to navigation seems to have filled the need for which it was designed. In a memorial of 1788 Captain Parker reminded the assembly that some years before he had composed a chart which he humbly conceived had been and would continue to be of great service to those whose business took them into the Connecticut River.[1]

One of the picturesque figures of the late colonial and early Revolutionary periods in the colonies was Bernard Romans, the Dutch engineer who was sent to this country as an official of the British government about 1757, who became an officer in the American Army in the Revolution, and who died, it is believed, at sea in 1784 while returning from captivity in Jamaica. It is appropriate that the charts and sailing directions he created should be discussed with the work of Abel Buell because there was a close connection between the two men, and it has even been asserted, though never proven, that Buell helped

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[1] Lawrence C. Wroth, *Abel Buell of Connecticut* (New Haven, The Acorn Club, 1926), 50–55, where is shown a greatly reduced facsimile of the original chart. A tracing of the chart was printed in 1885 in the *Public Records of the Colony of Connecticut*, XIII, 503.

Romans with the coastal surveys embodied in the Florida charts now to be described. It is much more likely that he was employed by Romans not to make soundings and surveys but to help with the engraving of those charts.

Romans was a cartographer of merit whose maps of American colonies and areas are desired by collectors but only rarely acquired by them. His rarest and most conspicuous cartographical production was a map, or rather two maps of nine and four sheets, respectively, published in New York in 1775.[1] These are without descriptive titles, and it was at first planned to issue them as three separate charts, described as follows in Romans's *Proposals*,[2] dated Philadelphia, August 5, 1773: "I. . . . the Mississippi from the Natchez down to the Mouth, and from thence East to the Atlantic. . . . II. The middle Part of East-Florida, and the Grand Bahama Bank. . . . III. The South Point of Florida, the Keys. . . ." When the maps were finally published, Numbers II and III were combined to form a single great chart of nine sheets. Number I, in four sheets, was a separate map of a different shape. At least three of the plates employed for these large charts of the Florida waters were engraved for Romans by Paul Revere. The Florida charts were based upon soundings made by Romans and his associates in the course of several years of activity. The thirteen sheets when put together in correct position compose two charts of the difficult Atlantic and Gulf coasts of East and West Florida, measuring approximately, according to Romans's biographer, two by seven and one-quarter and five by five and one-half feet, the most ambitious American production of this sort up to the time of its publication.[3]

But the service to mariners of the Dutch engineer was not confined to the making and publication of the Florida charts. In the same year that these appeared James Rivington of New York published Romans's *A Concise Natural History of East and West Florida*.[4] The appendix to

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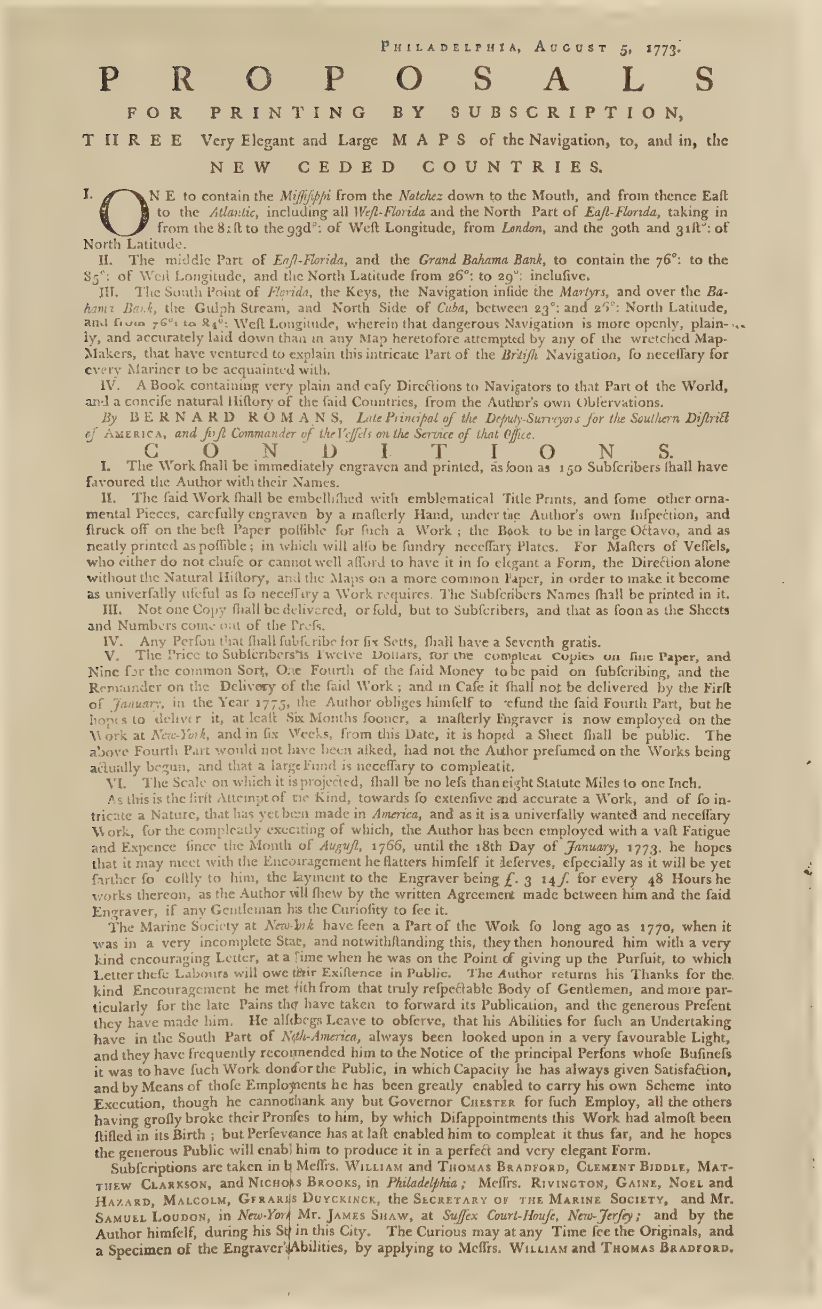
[1] A full discussion of these charts is in Phillips, *Notes on the Life and Works of Bernard Romans* (Deland, Florida, 1924).

[2] *Philadelphia, August 5, 1773. Proposals for Printing by Subscription, Three Very Elegant and Large Maps of the Navigation, to, and in, the new ceded Countries* (Philadelphia, 1773). The only recorded copy of this revealing broadside was presented to the John Carter Brown Library in 1941 by Dr. A. S. W. Rosenbach.

[3] Complete copies of the two charts are in the Library of Congress, two sections are in the William L. Clements Library, and a manuscript of the second portion as given in Romans's *Proposals*, cited in the text, is in the library of Mr. Thomas W. Streeter, of Morristown, New Jersey, a Corresponding Member of the Massachusetts Historical Society.

[4] The book is fully described and its contents discussed in Phillips, *Notes on the Life and Works of Bernard Romans*.



Philadelphia, August 5, 1773.

PROPOSALS

FOR PRINTING BY SUBSCRIPTION,

THREE Very Elegant and Large MAPS of the Navigation, to, and in, the

NEW CEDED COUNTRIES.

I. ONE to contain the *Miſſiſippi* from the *Natchez* down to the Mouth, and from thence Eaſt to the *Atlantic*, including all *Weſt-Florida* and the North Part of *Eaſt-Florida*, taking in from the 81ſt to the 93d°: of Weſt Longitude, from *London*, and the 30th and 31ſt°: of North Latitude.

II. The middle Part of *Eaſt-Florida*, and the *Grand Bahama Bank*, to contain the 76°: to the 85°: of Weſt Longitude, and the North Latitude from 26°: to 29°: incluſive.

III. The South Point of *Florida*, the Keys, the Navigation inſide the *Martyrs*, and over the *Bahama Bank*, the Gulph Stream, and North Side of *Cuba*, between 23°: and 25°: North Latitude, and from 76°: to 84°: Weſt Longitude, wherein that dangerous Navigation is more openly, plainly, and accurately laid down than in any Map heretofore attempted by any of the wretched Map-Makers, that have ventured to explain this intricate Part of the *Britiſh* Navigation, ſo neceſſary for every Mariner to be acquainted with.

IV. A Book containing very plain and eaſy Directions to Navigators to that Part of the World, and a conciſe natural Hiſtory of the ſaid Countries, from the Author's own Obſervations.

By BERNARD ROMANS, *Late Principal of the Deputy-Surveyors for the Southern Diſtrict of* America, *and firſt Commander of the Veſſels on the Service of that Office.*

CONDITIONS.

I. The Work ſhall be immediately engraven and printed, as ſoon as 150 Subſcribers ſhall have favoured the Author with their Names.

II. The ſaid Work ſhall be embelliſhed with emblematical Title Prints, and ſome other ornamental Pieces, carefully engraven by a maſterly Hand, under the Author's own Inſpection, and ſtruck off on the beſt Paper poſſible for ſuch a Work; the Book to be in large Octavo, and as neatly printed as poſſible; in which will alſo be ſundry neceſſary Plates. For Maſters of Veſſels, who either do not chuſe or cannot well afford to have it in ſo elegant a Form, the Direction alone without the Natural Hiſtory, and the Maps on a more common Paper, in order to make it become as univerſally uſeful as ſo neceſſary a Work requires. The Subſcribers Names ſhall be printed in it.

III. Not one Copy ſhall be delivered, or ſold, but to Subſcribers, and that as ſoon as the Sheets and Numbers come out of the Preſs.

IV. Any Perſon that ſhall ſubſcribe for ſix Setts, ſhall have a Seventh gratis.

V. The Price to Subſcribers is Twelve Dollars, for the compleat Copies on fine Paper, and Nine for the common Sort, One Fourth of the ſaid Money to be paid on ſubſcribing, and the Remainder on the Delivery of the ſaid Work; and in Caſe it ſhall not be delivered by the Firſt of *January*, in the Year 1775, the Author obliges himſelf to refund the ſaid Fourth Part, but he hopes to deliver it, at leaſt Six Months ſooner, a maſterly Engraver is now employed on the Work at *New-York*, and in ſix Weeks, from this Date, it is hoped a Sheet ſhall be public. The above Fourth Part would not have been aſked, had not the Author preſumed on the Works being actually begun, and that a large Fund is neceſſary to compleat it.

VI. The Scale on which it is projected, ſhall be no leſs than eight Statute Miles to one Inch.

As this is the firſt Attempt of the Kind, towards ſo extenſive and accurate a Work, and of ſo intricate a Nature, that has yet been made in *America*, and as it is a univerſally wanted and neceſſary Work, for the compleatly executing of which, the Author has been employed with a vaſt Fatigue and Expence ſince the Month of *Auguſt*, 1766, until the 18th Day of *January*, 1773, he hopes that it may meet with the Encouragement he flatters himſelf it deſerves, eſpecially as it will be yet farther ſo coſtly to him, the Payment to the Engraver being £. 3 14 *ſ.* for every 48 Hours he works thereon, as the Author will ſhew by the written Agreement made between him and the ſaid Engraver, if any Gentleman has the Curioſity to ſee it.

The Marine Society at *New-York* have ſeen a Part of the Work ſo long ago as 1770, when it was in a very incomplete State, and notwithſtanding this, they then honoured him with a very kind encouraging Letter, at a Time when he was on the Point of giving up the Purſuit, to which Letter theſe Labours will owe their Exiſtence in Public. The Author returns his Thanks for the kind Encouragement he met with from that truly reſpectable Body of Gentlemen, and more particularly for the late Pains they have taken to forward its Publication, and the generous Preſent they have made him. He alſo begs Leave to obſerve, that his Abilities for ſuch an Undertaking have in the South Part of *North-America*, always been looked upon in a very favourable Light, and they have frequently recommended him to the Notice of the principal Perſons whoſe Buſineſs it was to have ſuch Work done for the Public, in which Capacity he has always given Satiſfaction, and by Means of thoſe Employments he has been greatly enabled to carry his own Scheme into Execution, though he cannot thank any but Governor Chester for ſuch Employ, all the others having groſſly broke their Promiſes to him, by which Diſappointments this Work had almoſt been ſtifled in its Birth; but Perſeverance has at laſt enabled him to compleat it thus far, and he hopes the generous Public will enable him to produce it in a perfect and very elegant Form.

Subſcriptions are taken in by Meſſrs. William and Thomas Bradford, Clement Biddle, Matthew Clarkson, and Nicholas Brooks, in *Philadelphia;* Meſſrs. Rivington, Gaine, Noel and Hazard, Malcolm, Gerardus Duyckinck, the Secretary of the Marine Society, and Mr. Samuel Loudon, in *New-York;* Mr. James Shaw, at *Suſſex Court-Houſe, New-Jerſey;* and by the Author himſelf, during his Stay in this City. The Curious may at any Time ſee the Originals, and a Specimen of the Engraver's Abilities, by applying to Meſſrs. William and Thomas Bradford.

PROPOSALS

Proposals by Bernard Romans for the publication of his charts of the Florida coasts, finally brought out in New York in 1775. (Original measures 16 11/16 × 10¼ inches.)

this work comprises, in addition to six pages of other matter, eighty-nine pages of detailed sailing directions for the area represented on the charts, compiled, for the greater part, Romans claimed, from his own observations. Accompanying these directions were three small but clearly engraved special charts: Pensacola Bar, Entrances of Tampa Bay, and Mobile Bar.

There can be no doubt that Romans intended his *Concise History* and the Florida charts to be sold together, though his *Proposals* show that he was willing enough to sell them separately, and even that he would detach the sailing directions from the book and sell that section with copies of the charts printed on cheaper paper. His biographer, P. Lee Phillips, seems to suggest, indeed, that the maps are called for as part of the *Concise History* by the phrase on its title page which reads: "Illustrated with . . . Two whole Sheet Maps." This does not seem a reasonable interpretation. The great charts of the Florida waters comprised, as has been said, thirteen whole sheets. These would hardly have been described by their maker as forming "Two whole Sheet Maps."

IX

American Study of the Gulf Stream

If one thing in this world is certain it is that Benjamin Franklin was not the discoverer of the Gulf Stream, and yet many people who should know better continue to accord him that distinction. Franklin's interest in the Gulf Stream or Florida Current seems to have begun about the year 1770. Who it was that first observed the existence of the current as a phenomenon of nature is uncertain, but it is clear enough that its effect upon navigation was taken into account and its position laid down as early as 1685, nearly a century before Franklin caused a representation of its extent and direction to be engraved upon an existing chart of the Atlantic.[1] In the course of that century others made serious studies of the stream and its importance in navigation.

Franklin's interest in the Gulf Stream came about through its interference with the Falmouth-New York transoceanic passage, but it is a fact that long before 1770 the tobacco ships plying between England and the Chesapeake found frequently that they had been "driven to the Northward of the Capes contrary to Expectation." The quoted words form part of an extensive text engraved upon the great chart of the Chesapeake, discussed in an earlier section, which Captain Walter Hoxton brought out in 1735. Captain Hoxton attributed such mischances to the strength of "the North East Current on the Coast of Virginia" and suggested a procedure for their avoidance. The eastward extension of his map was not great enough to admit a graphic representation of the Gulf Stream, but he gave the coördinates by which its breadth and direction might be determined, and recommended that mariners plot them upon their general charts. The data presented in the tables he provided had been gathered by Captain Hoxton himself in the course of his twenty-three voyages to Maryland. These tables and their explanation were copied upon the Anthony Smith map of 1776,[1] where they received a greater degree of attention, but by that time the Gulf Stream had become one of the concerns of two celebrated American observers—Benjamin Franklin and William Gerard De Brahm.

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[1] *Geographical Review*, XXVIII (January, 1938), 124–132: Ralph H. Brown, "The De Brahm Charts of the Atlantic Ocean, 1772–1776."

A pioneer and a participant for nearly half a century in Southern settlement, surveying, and exploration, De Brahm published in 1772 *The Atlantic Pilot*,[2] a work of text and charts in which he embodied studies of the Florida Stream, that is, the Gulf Stream, which had been made in the course of his passage to England the year before. His studies, indeed, were carried further than his published work indicates, for one of two unpublished De Brahm manuscripts now in the Harvard College Library is a continuation of the printed *Atlantic Pilot*, an extensive addition, with two manuscript charts, to his earlier investigation of the course and rate of flow of the Gulf Stream.[3] It is upon De Brahm's printed work and its charts and upon this manuscript continuation that one may rest his belief in the royal surveyor's right to be mentioned with Franklin in any discussion of the history of scientific interest in the Gulf Stream. It seems certain that De Brahm did a great deal more work on the problem than Franklin thought of giving to it. In the *Transactions of the American Philosophical Society* for 1786, however, occurs a communication which shows clearly that in oceanography, as in everything he engaged in, Franklin played an important part. His "Letter . . . to Mr. Alphonsus le Roy . . . Containing Sundry Maritime Observations" is essentially Franklinesque, its words and tenor revealing the reflective, practical philosopher at work. In 1769 or 1770, when he was still concerned in the management of the British Post Office in the colonies, he had been asked to look into the complaint that the supposedly fast mail packets from Falmouth to New York were slower in their passages by a fortnight than the American merchant vessels from London to Rhode Island. For an explanation of this unaccountable circumstance Franklin consulted a Nantucket sea captain, Captain Folger, who said that it was the opposing current of the Gulf Stream which slowed the packets and that the Rhode Island masters knew the location of the stream and its phenomena from their whaling experience in the North Atlantic, and, further, that to defeat its effect upon their rate of progress they customarily sailed along its edge or crossed it, whereas the English captains ignored its existence and persistently sailed against its current. Whereupon Franklin had the known data on the course of the Gulf Stream engraved upon the commonly used chart of the Atlantic and tried without success to persuade the English packet captains to take advantage of the added information. No specimen of a chart so amended is known. A copy of it was made in France at some time before 1785, and copies were made in America in 1786 and 1789. One of these, *A Chart of the Gulf Stream*, engraved by James Poupard, of Philadelphia, in 1786, accompanies Franklin's letter to Le Roy, from which we have told the story.[1]

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[1] For discussion of the Hoxton and Smith charts here referred to, see section VI of the present study.

[2] *The Atlantic Pilot*, "London: Printed for the Author . . . MDCCLXXII," 3 charts and folded table. The dedication is signed "William Gerard de Brahm." Sabin No. 7324 gives the title incorrectly. A French version, with an extensive note on the Gulf Stream added by the translator, was published some time after 1783 as *Recherches faites par Ordre de sa Majesté Britannique . . . pour rectifier les Cartes & perfectionner la Navigation du Canal de Bahama*. Sabin, No. 7326, enters an edition with the impossible date [1771], and another of Paris, 1788. He gives the name of the translator as Charles Romme.

[3] Ralph H. Brown, article cited in Note 1, page 99.

But Franklin went further than this. In later voyages across the Atlantic he made thermometrical observations of the temperature of the Gulf Stream water, and these he appended to his article in the issue of the *Transactions* for 1786, a worthy addition to the study of the sea and of navigation. In a footnote to this journal of observations made on the voyage of 1785, on board the *London Packet*, Captain Truxtun commanding, he explains that the data "was obligingly kept for me by Mr. J. Williams, my fellow-passenger in the London Packet, who made all the experiments with great exactness." None can doubt the degree of interest Franklin would have felt if, having lived a few months longer, he might have heard this Jonathan Williams, Jr., his own grandnephew and diplomatic associate, read before the American Philosophical Society on November 19, 1790, his "Memoir . . . on the use of the Thermometer in discovering Banks, Soundings, &c." That paper introduced a system of avoiding danger when in soundings by the recording of water temperatures. It attracted attention at home and abroad. It was issued separately, with chart, in Philadelphia in 1792 as *Memoir on the use of the Thermometer in Navigation*, a publication in advance of the paper which appeared in 1793 in the *Transactions* of the Society. An interesting reprinting of the matter of the little book and of its chart was the *Memoria sobre el Uso del Termómetro en la Navegacion*, translated from the English by royal order, and brought out at Madrid in 1794 by the widow of the celebrated Spanish printer, Joaquín Ibarra. Five years later, Williams combined his own studies on this subject with those of Franklin, Captain Truxtun, and one or two others, thus creating the book he published in Philadelphia in 1799 called *Thermometrical Navigation . . . tending to prove, that by ascertaining the relative Heat of the Sea-water . . . the Passage of a Ship through the Gulph Stream, and from deep Water into Soundings, May be discovered in Time to avoid Danger.*[1]

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[1] *Transactions of the American Philosophical Society*, II (Philadelphia, 1786), 294–329. The chart accompanying this article was also published in the *American Museum* (Philadelphia) for March, 1789.

From the foregoing brief consideration of the work on the Gulf Stream carried on by Hoxton, Franklin, De Brahm, Truxtun, and Williams, it can be said with truth that there was already in existence the tradition of American interest in oceanography when in the nineteenth century Matthew Fontaine Maury became the virtual father of that science.

X

Later Charts and Sailing Directions

The production of American works relating to maritime science was a casual and sporadic business in the first two centuries of its operation. None the less, as has been seen, certain definite contributions were made to the science in that period in the five distinct categories essential to its practice, that is, sailing directions, charts,

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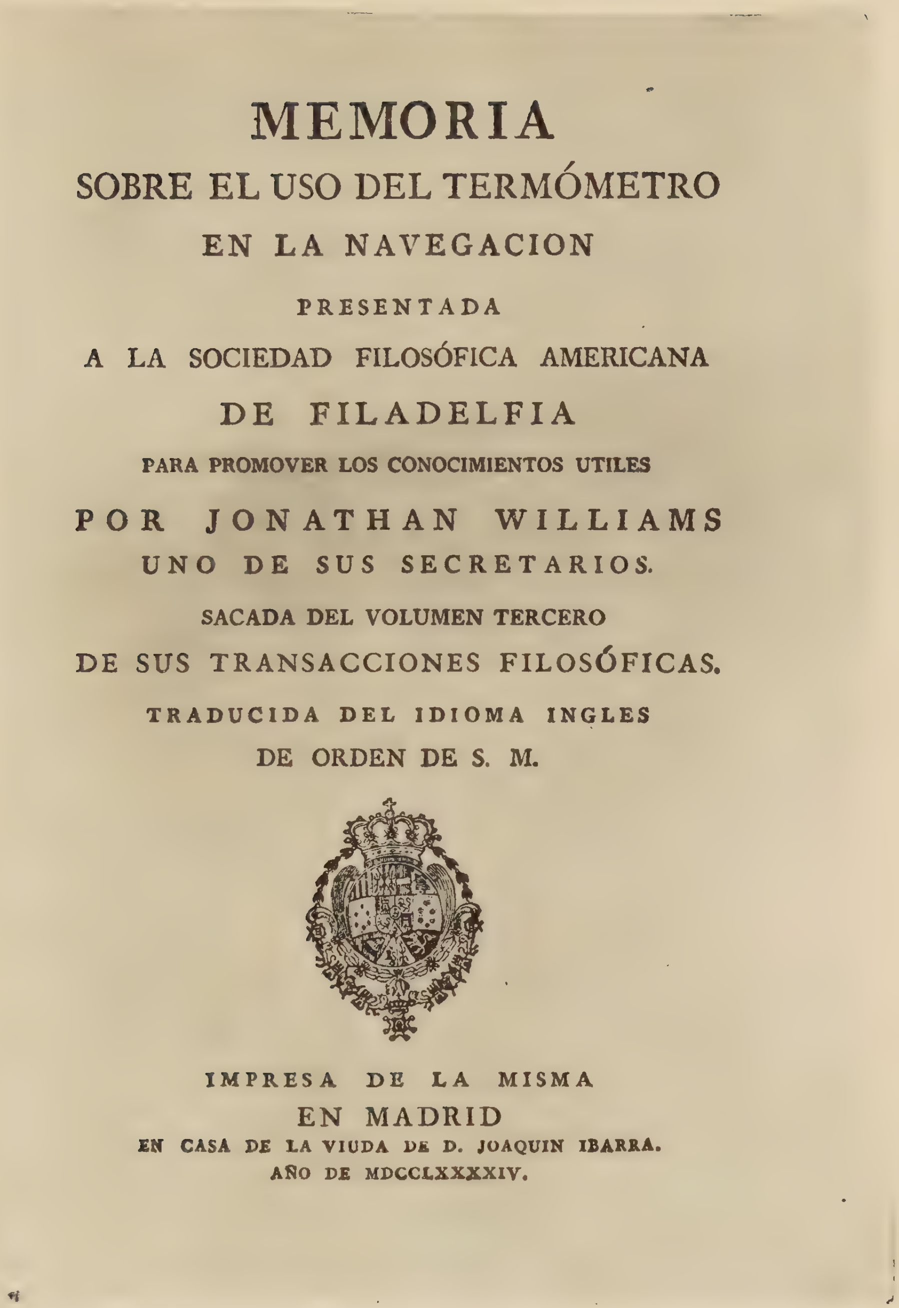
[1] *Transactions of the American Philosophical Society*, III (Philadelphia, 1793), 82–100; Sabin No. 104297 and note; Sabin No. 104300.



MEMORIA
SOBRE EL USO DEL TERMÓMETRO
EN LA NAVEGACION

PRESENTADA
A LA SOCIEDAD FILOSÓFICA AMERICANA
DE FILADELFIA
PARA PROMOVER LOS CONOCIMIENTOS UTILES
POR JONATHAN WILLIAMS
UNO DE SUS SECRETARIOS.
SACADA DEL VOLUMEN TERCERO
DE SUS TRANSACCIONES FILOSÓFICAS.
TRADUCIDA DEL IDIOMA INGLES
DE ORDEN DE S. M.

IMPRESA DE LA MISMA
EN MADRID
EN CASA DE LA VIUDA DE D. JOAQUIN IBARRA.
AÑO DE MDCCLXXXXIV.

MEMORIA
An edition in Spanish of Jonathan Williams, *Memoir on the Use of the Thermometer in Navigation*, first published at Philadelphia in 1792
(Original measures 8¼ × 5⅞ inches.)

[illegible]

instruments of observation, scientific manuals, and treatises on seamanship. In the closing decade of the eighteenth century the production of these elements underwent enlargement and, in a sense, organization; the making of charts, the writing of books, and the manufacture of implements became in this country a business of consequence. The most interesting of these productions of the period 1790–1800 was the series of maritime atlases which in that decade proceeded from the engraving establishments of Boston.

The first of this extraordinary group of atlases, it is believed, was that which Matthew Clark advertised in the *Boston Gazette* for February 22, 1790, describing it as "A Complete set of Charts of the Coast of America . . . from Cape Breton . . . into the Gulph of Mexico." Several months later, on July 5, 1790, the book was advertised in the *Boston Gazette* as "Just Published." Of three known copies of this Matthew Clark atlas none has a title page, and opinion seems to favor the view that it was published without one.[1] The collection contains eighteen separate prints pasted together in twos to form nine large charts. All but one bear upon their faces an engraved certificate in which Osgood Carleton, the Boston teacher of mathematics, testifies that the charts had been compared with those of Holland and Des Barres and found correct. Six of the separate map prints were engraved by Joseph Seymour and two by John Norman. In all probability these prolific and skilled craftsmen were responsible for the remainder of the charts in this first sea atlas of American publication. The source of the surveys and original draughts of the charts has not been determined.

Certainly John Norman must have been extremely busy about this time at the engraving of charts. In 1791, the year following the publication of the Clark atlas, appeared *The American Pilot*, published by John Norman at 75 Newbury Street, Boston.[2] This was an atlas of eleven charts which, in the tradition of *The English Pilot*, were accompanied by sailing directions, though in this instance the directions were relatively brief, occupying only a single large folio leaf. As in the case of the Matthew Clark atlas, no comprehensive study of the origin of the charts, that is, the surveys and the original designs which were placed before the engraver, has been made. It is not easy, therefore, to say to what extent these atlases were fresh productions. The Norman atlas, however, contained at least one chart of complete originality, that is, *A Chart of Nantucket Shoals Surveyed by Capt. Paul Pinkham*, with the date of publication given as February 16, 1791. Engraved upon the face of that chart is a testimonial in which various Nantucket seafaring men affirm their knowledge of its having been made in 1784 by Captain Pinkham's personal surveys. Added to this testimonial is Captain Peleg Coffin's certification that the Pinkham chart was fully approved by pilots and navigators. It is worth observing that this original chart had its complementary passage in the sailing directions, prefixed to the book and credited to Captain Paul Pinkham, entitled "Directions for Nantucket Shoals." Like the Pinkham chart, this set of directions is obviously an original contribution.

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[1] Evans No. 21738 seems to record the title and imprint as if from an actual title page, but the Boston Athenæum, the Library of Congress, and the John Carter Brown copies have no title page. See for description, history, and full contents of this admirable production, Phillips, *List of Geographical Atlases*, III, No. 3667.

[2] Evans No. 23637.

The American Pilot came out in at least four issues, 1791, 1792, 1793, and 1794.[1] The service to many aspects of the life around him performed by the versatile engraver, John Norman, was never of greater consequence than when he made this collection of maritime charts for the coasts of America from Newfoundland to the Island of Cayenne, omitting all detail for the extensive area between Georgia and the northern coast of South America. In *A Pilot for the West-Indies* of Boston, 1795 and thereafter, John Norman's relative and associate, William Norman, made good this omission by the publication of a group of eight well-engraved charts relating to that area of sea and land which we call the Spanish Main.[2]

It is to be hoped that some day an ambitious investigator will make a thorough study of the work in Philadelphia and Boston of the Normans, both John and William. That study will determine the relationship of the two men and under what terms of association they carried on, now together, now separately, a large business in engraving and publishing in Boston.

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[1] Wroth and Adams, *American Woodcuts and Engravings, 1670–1800*, No. 49.

[2] Knowledge of the title of William Norman's atlas—*A Pilot for the West-Indies*—is derived from the copy owned by Mr. Thomas W. Streeter. That copy has no title page, but pasted upon the outside paper cover is the title, *A Pilot for the West-Indies; Including the Coast of America and Part of the Atlantic Ocean*, a list of eight maps, and the imprint "Boston. Printed & Sold by Wm. Norman, Bookseller." Because several of the maps bear the imprint "London Published by Laurie & Whittle . . . 1794 Boston Republished by W. Norman . . . 1795 . . ." the date 1795 has been assigned the atlas. The John Carter Brown Library has a William Norman atlas which seems to be of this edition, but it does not have the pasted-on title to make the attribution absolutely certain. That library has also a William Norman atlas of eleven maps of Boston, 1803, bearing the pasted-on title *The New Improved West-India Pilot*.

The ship captain whose business led him from port to port along the North American coast carried with him the charts combined with sailing directions found in *The English Pilot. The Fourth Book*, which since 1689 had been coming out every few years in revised editions. After 1777 he would have had also the two parts of Jefferys's *North American Pilot*. American rivals to these English publications had been brought out, as has been said, in the form of atlases issued by Matthew Clark and the Normans in the period 1790–1795. As none of these atlases contained full and satisfactory sailing directions, it is likely that a careful and intelligent mariner would add to their printed prescriptions his own observations or explicit directions obtained from local pilots along the coasts he frequented. He might even compile in manuscript for his own use a book made up of directions collected in this way and tested personally over a period of years. This would be his personal *routier*, or "rutter," or "pilot," one of the most cherished of his possessions, a book to be used in connection with the printed charts of his *English Pilot* or, later, with his *North American Pilot*, providing a fuller and more detailed set of directions than he could find anywhere in published form. That procedure may have been followed by the New England mariner next to be mentioned. In 1796 the enterprising nautical publisher, Edmund March Blunt, of Newburyport, issued a work, *The American Coast Pilot . . . from Boston to all the principal Harbours . . . between Passamaquady and the Capes of Virginia*, by Captain Lawrence Furlong.[1] It is not easy to trace to their respective sources all the sets of directions found in this first edition of the Furlong book, but it is perfectly clear that the directions for the dangerous Nantucket waters, for part of Chesapeake Bay, and for certain ports and rivers of Carolina and Florida were taken from the leaf of sailing directions found in John Norman's *American Pilot* of 1791. The section of the Furlong book headed "Bearings and Distances of Nantucket-Shoals, from the Light-House" copies literally and without acknowledgment a similar section in the Norman atlas, there attributed to Captain Paul Pinkham of Nantucket, who, it will be remembered, was the maker of the Norman chart of the Nantucket waters. Norman could not well complain of Furlong's plagiarism, however, because he in his turn had taken many passages in his own directions from *The English Pilot. The Fourth Book.* The truth is that one does not condemn the writers of sailing directions for plagiarism. From the fourth century B.C., when the Periplus of Scylax, covering the whole Mediterranean, was created by combining into a single ordered text the lesser sectional peripluses formed during the preceding centuries, a book of sailing directions has been regarded as the common property of the maritime world. The great volume of knowledge of the coasts and harbors of the world which exists today has been formed in just the way here indicated, that is, by Norman adding a few new observations to the material found in *The English Pilot*, and Furlong taking over Norman for his own more extensive work. When Furlong's publisher added greatly to the original work in later editions and, beginning with the eighth, disregarded the captain altogether as the original source, one sees again the ancient process in operation.

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[1] Evans No. 30464.

It has been suggested, seriously, that no such person as Captain Furlong ever had existence, that the name was a *nom de plume* for Edmund Blunt, and that this enterprising bookseller himself compiled the *American Coast Pilot* from various sources, manuscript as well as printed.[1] That interesting view, however, is not borne out by the facts. The death of Captain Lawrence Furlong in 1806 at the age of seventy-two years is recorded in the *Newburyport Herald* of May 23 of that year. There exist many documentary references to him testifying to a busy existence as a mariner, from the year 1758 onwards. He may, indeed, have been actively at sea as late as 1801. He is known with certainty to have been living at Newburyport in 1790.[2] One mention of his name which is of interest because of its association with his profession is that which appears in a supplementary list of subscribers to Bernard Romans's *Concise Natural History of East and West Florida* of New York, 1775.[3] "Capt. Laurence Furlong, New-bury-Port," clearly was in that list because of his interest in the Florida sailing directions earlier described in the account of the Romans contribution.

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[1] Alfred B. Stanford, "Blunt's Coast Pilot," *Colophon*, Part XIV (1933).

[2] I am very much indebted to Mr. Clarence S. Brigham for the following references to sources outlining the life of Captain Furlong: Essex Institute, *Early Coastwise and Foreign Shipping of Salem* (Salem, 1934), for Furlong's voyages of 1758–1761; Harriet R. Cooke, *The Driver Family* (New York, 1889), 108, for documents of 1764; Stephen W. Phillips, *Ship Registers of the District of Newburyport* (Salem, 1937), for voyages of 1801, though the Furlong there named may have been a son; United States Bureau of the Census, *Heads of Families at the First Census of the United States taken in the Year 1790. Massachusetts* (Washington, 1908), 91; and the *Newburyport Herald*, May 23, 1806, where it is said that the funeral ceremony for Captain Lawrence Furlong would be held in conjunction with St. John's Lodge.

[3] This list is found on the verso of the half-title of the appendix.

But if the existence of Captain Furlong may not be doubted, it is still uncertain whether any of the material in the *American Coast Pilot* is the result of the captain's own observation, whether the whole work is a compilation by him from existing sources, or, finally, whether it is a compilation from existing sources by the publisher Edmund Blunt, given professional sponsorship by affixing to it the name of a mariner well known in the American coastal trade. We have traced to previously existing sources several of its important passages. Naturally the remainder of the book becomes an object of critical scrutiny.[1]

Whatever may have been the origin of the Furlong book, there is no question as to the degree of success with which it met, from the beginning, in its busy maritime world. At a later time Furlong's name, as already said, was dropped from the title page, and Blunt's *Coasting Pilot*, as the book was soon to be called, became in successive enlargements a work of authority. Twelve editions of it were issued before Blunt's retirement in 1833. It was taken over eventually from his sons and successors by the United States Coast and Geodetic Survey, and today it is sold annually in large numbers of copies for each of several sections of coast as the *United States Coast Pilot*, the official sailing directions used by everyone whose business takes him to American ports.

XI

Later Manuals of Seamanship and Navigation Practice

The American Sailor: a Treatise on practical Seamanship,[2] by Samuel Buckner, was published at Newport without date, but clearly at some time between June 1, 1790, the date of one of its preliminaries, and December of that year when, according to an inscription on its half-title, the John Carter Brown copy was bought at a vendue in Providence. On the first of the limiting dates, June 1, 1790, six Newporters signed a testimonial recommending the treatise as containing excellent instructions for young seamen, and other matter which would doubtless be of service even to the most expert. On that same day Captain James Gramon, of Providence, wrote: "I think the performance does honor to the Author."

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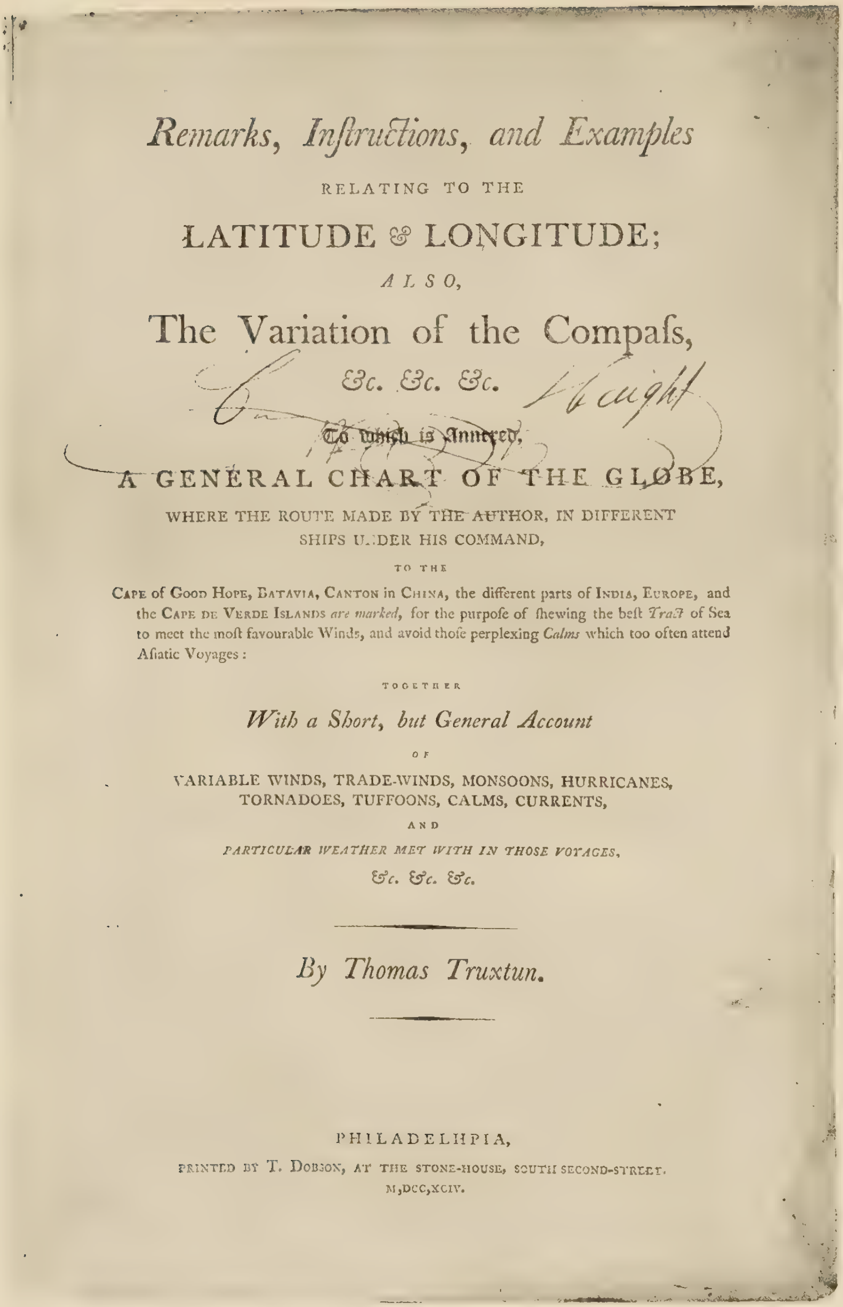
[1] For a discussion of the authorship of Furlong's *American Coast Pilot*, see *Essex Institute Historical Collections*, LXXIX (April, 1943): Russell L. Jackson, "Edmund March Blunt," 101.

[2] Evans No. 22377.

Acquaintance with the book convinces one that in its day it must have been a valuable work of instruction. Within its ninety-six pages of text are comprised ninety-eight sections, each dealing with a different aspect of the art of ship management, everything from the "Hanging of Ships Rudders" on page 6 to "Recovering drowned Persons" on page 95. The book maintains throughout a sharp distinction between the art of navigation and the art of seamanship, eschewing any attempt to teach the procedures of position-finding and determining courses and distances and latitudes and longitudes, or any of those mathematical matters with which navigation as a science is concerned.

After the build-up of Samuel Buckner's book in the preceding paragraphs, it seems a pity to speak of it in derogatory terms, but that must now be done. Reading casually his forthright pages, one thinks of Samuel Buckner as an honest Yankee sailor who returned from his voyaging, like Ulysses, "full and sage with usage" and sat himself down in Rhode Island to record for the sailors of a newer generation his experience with ships and their handling. When one examines the book critically, however, it seems just a little too good, too well written, too full of expertness, too authoritative for so dim a figure to have brought into being, and after a search into the existing literature of seamanship one learns that its text was nothing more than an abstract of an English book of 1777, *A Treatise on Practical Seamanship*, by William Hutchinson, "Mariner, and Dock Master, at Liverpool." According to the imprint, this work was "Printed, and Sold for the Author at all the principal Seaports in Great-Britain and Ireland." There has been so much plagiarism in books of instruction of all sorts, so much unacknowledged transferring of texts from man to man and generation to generation that one who lives with them becomes hardened to the lack of conscience displayed by their publishers and authors. In this particular instance, however, one experiences a feeling of disappointment, for there seems something salty and genuine about the Buckner book, and for Rhode Islanders it has always been pleasant to think that the work was an outgrowth of the maritime life of their state. The Newport and Providence endorsers of the treatise seem above suspicion, and Peter Edes, printer of the book and "Proprietor of the Copy Right," would hardly have lent himself to chicanery of this character. The villain of the piece, one is forced to conclude, is Samuel Buckner himself; and who he may have been does not



Remarks, Inſtructions, and Examples

RELATING TO THE

LATITUDE & LONGITUDE;

ALSO,

The Variation of the Compaſs,

&c. &c. &c.

To which is Annexed,

A GENERAL CHART OF THE GLOBE,

WHERE THE ROUTE MADE BY THE AUTHOR, IN DIFFERENT
SHIPS UNDER HIS COMMAND,

TO THE

Cape of Good Hope, Batavia, Canton in China, the different parts of India, Europe, and the Cape de Verde Islands *are marked,* for the purpoſe of ſhewing the beſt *Tract* of Sea to meet the moſt favourable Winds, and avoid thoſe perplexing *Calms* which too often attend Aſiatic Voyages:

TOGETHER

With a Short, but General Account

OF

VARIABLE WINDS, TRADE-WINDS, MONSOONS, HURRICANES,
TORNADOES, TUFFOONS, CALMS, CURRENTS,

AND

PARTICULAR WEATHER MET WITH IN THOSE VOYAGES,

&c. &c. &c.

By Thomas Truxtun.

PHILADELHPIA,

PRINTED BY T. DOBSON, AT THE STONE-HOUSE, SOUTH SECOND-STREET.
M,DCC,XCIV.

REMARKS *&c.*

Commodore Truxtun's *Remarks* of Philadelphia, 1794, was a valuable contribution to several aspects of navigation, seamanship, shipbuilding, and naval customs. (Original measures 11½ × 7½ inches.)

appear in any available Rhode Island source. None the less, if words mean what they say, it seems certain that the man had existence, for Captain James Gramon, his Providence endorser, begins his recommendation of the book with the words, "At the request of Mr. Samuel Buckner, I have read a Manuscript, entitled, 'A Treatise on Practical Seamanship.' " One regrets removing *The American Sailor* from the list of American contributions to the art of navigation, but it is just as well to know where we stand in this matter of authorship.

The next work to be considered is of a more satisfactory character. Few American books of the eighteenth century excelled in interest and usefulness the work of Commodore Thomas Truxtun entitled *Remarks, Instructions, and Examples relating to the Latitude & Longitude; also, the Variation of the Compass*,[1] published at Philadelphia in 1794. Its author was the naval captain who commanded the *Constellation* in her celebrated victories over *L'Insurgente* and *La Vengeance*, the former merchant captain who in 1786 had taken the *Canton* from Philadelphia to the China coast, the first ship to go thither from that city. In addition to his many distinguished services at sea, Truxtun was a competent mathematician, an oceanographer, and a practical naval architect. In his book one finds a complete treatise on position-finding, a section devoted specifically to lunar observations, a section on the masting of ships, and an account of the general duties of officers on ships of war. All these are practical treatises drawn from a rich experience and illuminated by tables and by many examples fully worked out. Accompanying the handsome folio in which these several matters are set forth is a large folding plate of "A 44 Gun Frigate in the Navy of the U. S. of America Masted according to the annexed System . . . ," drawn by J. Fox and engraved by Thackara, and "A General Chart of the Globe, Shewing the Course of the Gulph Stream, and Various Tracks to and from the East Indies, China, Europe &c. By Capt$^{n.}$ Tho$^{s.}$ Truxtun." All in all, the book is a contribution to the art of navigation, seamanship, shipbuilding, and naval customs reflecting credit upon the merchant and naval establishments of a young country struggling against odds for a place among the nations. It could not have failed to increase respect for that country among the mariners of the world. Truxtun's later works were *Instructions*, *Signals*,

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[1] Sabin No. 97281; Evans No. 27823.

and Explanations Offered for the U. S. Fleet (1797), and *A Few Extracts rom the Best Authors on Naval Tactics* (1806).[1]

Truxtun's illustration of the Gulf Stream on his chart and his discussion of that phenomenon in his "Explanation of the Chart" show clearly a dependence, especially in the acceptance of the usefulness of temperature recordings, upon "that great philosopher, the late Dr. Franklin." In another of his preliminaries, a letter addressed to the Reverend John Ewing, "President of the University of Pennsylvania," he speaks of the "maze of extravagance" in which one Mr. Churchman had lost himself in his discussion of the variation of the compass. The reference must be to another American work of Philadelphia origin which belongs in this record even though the commodore and all others of later generations disagree with its findings. This is *An Explanation of the Magnetic Atlas, or Variation Chart* (Philadelphia, 1790), in which John Churchman, cartographer and mathematician, endeavored to prove that "the Variation and Latitude being accurately known, the Longitude is of Consequence truly determined." The book is a brief commentary upon the large map, the "Magnetic Atlas or variation chart," in which John Churchman set forth his theory in graphic form.[2]

The establishment and development through many editions of Furlong's *American Coast Pilot*, described in the preceding section, was not the only service to navigation performed by Edmund Blunt, the Newburyport publisher. In the year 1799 Blunt brought out the first American edition (from the thirteenth English edition) of John Hamilton Moore's *New Practical Navigator*, the original appearance of which had been in the year 1772. Several major errors and some three hundred lesser errors in the tables of Moore's book were corrected in that American edition. A year later, in 1800, he issued a second edition of the work with further corrections. Both revisions had been carried through by Nathaniel Bowditch, the self-taught Salem mathematician and ship captain. Blunt sold seven thousand copies of the amended Moore and was about to bring out a third edition of the work when he determined to have made a complete revision, not only of the tables but of the various other sections which made up the book. When the work so planned came out in 1802, it followed closely the organization of Moore's work, but in it some eight thousand errors of the tables had been corrected, the astronomical and mathematical chapters had been enlarged, and the rules and prescriptions for the several methods of sailing had been rewritten. All this was the achievement of Nathaniel Bowditch. A close comparison of the two works brings conviction that Blunt's action in giving a new title to the book and placing a new author's name on the title page needs neither apology nor justification. *The New American Practical Navigator* by Nathaniel Bowditch of Newburyport, 1802, is so complete a revision of Moore as to be a new work.[1]

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[1] Article, Thomas Truxtun, in *Dictionary of American Biography*.

[2] Evans No. 22406. A fine copy of the Churchman map is in the Houghton Library, Harvard University.

The careful study of this evolution from Moore to Bowditch, sometimes not well understood, at once clears away a serious misapprehension, namely that Bowditch himself was the inventor of all the methods his book proposes and the maker of all its elaborate tables. Nothing could be less true. Bowditch was simply one, though a brilliant one, in a long line of writers who had been at work on the subject for some three centuries. He revised and added to Moore, who himself had revised John Robertson's work, first published in 1750.[2] Through the centuries from the *Regimento do estrolabio* of 1509, men of successive generations had each been taking up where the other left off, retaining the good, discarding the bad or the superfluous, adding new matter, revising, and clarifying until finally with Bowditch was attained a splendid summary of an age-long experiment. He stood at the end of a process rather than at the beginning. After him the great advances were to be based not upon new scientific principles but largely upon a succession of improvements in mechanical methods which, through immense complication of means, continue to simplify the actual processes of navigation.

Blunt brought out many editions of Bowditch's summary of human concern with the problems of safe sailing, and upon retirement from business passed on the rights in the work to his sons. From them in 1866 the government bought the copyright and in 1868 took up the publication of the work in the general interest. Beginning where Bowditch left off, the United States Hydrographic Office has done to Bowditch what Bowditch did to Moore, revising, adding chapters, reorganizing, and so by ceaseless vigilance compelling the book to keep abreast of the newest and best in a science which has never given over its contest with the elemental forces opposed to the ship at sea.

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[1] A satisfactory brief source of information on Bowditch's work is found in a publication of the Peabody Museum, Salem, *A Catalogue of a special Exhibition of Manuscripts, Books, Portraits and Personal Relics of Nathaniel Bowditch (1773–1838) with a sketch of the life of Nathaniel Bowditch by Dr. Harold Bowditch and an Essay on the scientific achievements of Nathaniel Bowditch, with a Bibliography of his publications, by Professor Raymond Clare Archibald* (Salem, 1937). Professor Archibald's sketch and bibliography are important extensions of his article on Bowditch in the *Dictionary of American Biography.* An interesting brief article is *Nathaniel Bowditch*, by Harold Bowditch, Peabody Museum (Salem, 1945), reprinted from *The American Neptune*, V, No. 2, 1945.

[2] John Robertson, *Elements of Navigation* (2 volumes, London, 1750).

Certain Indian Captives of New England

By Robert W. G. Vail[1]

Come young and old, I pray draw near,
A dreadful story you shall hear;
Of tender parents in distress,
Whose child is lost in the wilderness.[2]

THE phrase "lost in the wilderness!" could have but one meaning in pioneer days: the child had been, as they used to say, "carried captive to Canada whence he came not back." Those who have waited long for the return of someone reported "missing in action" know the way these old-time people felt. And so it can be easily understood with what eagerness each published story of those "captivated by the Indian salvages" was received by our frontier ancestors of the seventeenth and eighteenth centuries.

Sometimes the town crier announced their safe return. The news of their capture and redemption was often spread from the pulpit. Brief stories appeared in the *Boston News-Letter*, longer accounts in their separately published narratives; and the records of the colonies and of Canada contain hundreds of references to the captives and the measures taken for their ransom and relief.

These narratives were collected by William Hubbard, Benjamin Church, Samuel Penhallow, and the Mathers, and in later days by Samuel G. Drake, John Farmer, and John Frost ("William V. Moore"), by Charlotte Alice Baker and her friend Emma Lewis Coleman. Similar tales appear in our local histories and genealogies, in the collections of this and other historical societies, in our fiction, poetry, and historical pageants, and in our juveniles and schoolbooks. Stories of Indian captivity have been best sellers for four hundred years, from the day of Alvarez Nuñez, Cabeça de Vaca, in 1542 to the present. A thousand editions of them have appeared—the escape literature, the "westerns" of our forefathers.

There are several good reasons why the Indian captivity is still popular. To begin with, the historian and sociologist is interested in the clash of sixteenth-century civilization with that of the Stone Age, of the men in doublet and hose with those in the skins of animals.[1] While the Indians were being driven back from the seacoast during the long period of colonization, they learned a great deal from the newcomers, but they taught the colonists more, and the record of that indebtedness to the primitive civilization they encountered is to be found in part in the firsthand narratives of the returned captives.

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[1] This paper was read at the May, 1946, meeting.

[2] The first of the seventeen verses of the broadside *A Melancholy Story of a Child* [Peter Story] *That Was Lost in Rutland County, Vermont; Supposed to Have Been Taken by the Indians* [Rutland? 1830–1840?]. The episode is probably much earlier than the date of printing.

These simple stories tell the historian how the American frontiersmen learned from the Indian the ways of the wilderness without which their European civilization could not have survived. The Indians taught their new neighbors the native methods of hunting and trapping and the cultivation and preparation of their foods. From their herbs and barks came a whole new pharmacopoeia, and they supplied in addition a style of dress appropriate to life in the forests. American civilization should be grateful to the Indian, for it learned from him of such delicious foods as roast turkey, fish chowder, baked potatoes, hominy, corn bread, succotash, corn on the cob, pumpkin pie, and baked Indian pudding, not to mention the national habit of chewing gum, the fragrance of tobacco smoke, and the exhilaration of corn "licker." From him also our ancestors copied his method of fighting from cover, thus making forever obsolete the European mode of advancing to battle in solid formation. Through harsh contact with their new and rugged environment, and especially through their Indian wars and captivities, they developed a strength, fortitude, ingenuity, and resourcefulness and a love of independence which they did not bring with them from the easier living of their old homes across the sea. These traits helped their descendants at Bunker Hill, on the pitching decks of American frigates, clipper ships, and whalers, in the precarious journeys of covered caravans across the plains, and in the development of the Yankee ingenuity which made possible our great industries.

There are other reasons why the Indian captivities still have their readers. The captives brought back and passed on to a later day much that was beautiful and romantic: the poetic legends of the Indians, now a part of our literature, the picturesque native names of the hills and lakes and forest streams, names like Quinsigamond, Wachusett,

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[1] The first published story of captivity among the Indians was that of Alvarez Nuñez, Cabeça de Vaca, captured by the Indians of the present state of Texas in 1528, which appeared in Zamora in 1542. Some twenty other narratives were published before that of Mary Rowlandson, the first New England captivity.

Housatonick, Monadnock, and Chargoggagoggmanchauggagoggchaubunagungamaugg.

The Indian captivity as a literary form is of great interest today. It was our first use of a vivid, swift-moving narrative, and its sense of suspense and sustained horror might well be the envy of present-day writers of mystery stories. Usually written by the captives themselves or dictated to their more literate neighbors, it was the beginning of realistic writing with a native American setting. Those untaught but unconsciously competent authors were the literary ancestors of James Fenimore Cooper and William Gilmore Simms, of Esther Forbes, Walter D. Edmonds, and Kenneth Roberts.

One short paragraph from the first published New England captivity will illustrate the simple, vivid, and dramatic quality of this new American literary form. Listen while Mary Rowlandson tells her tragic story:

> On the tenth of *February* 1675, Came the *Indians* with great numbers upon *Lancaster*: Their first coming was about Sun-rising; hearing the noise of some Guns, we looked out; several Houses were burning, and the Smoke ascending to Heaven. . . . [And, somewhat later:] Some in our house were fighting for their lives, others wallowing in their blood, the House on fire over our heads, and the bloody Heathen ready to knock us on the head, if we stirred out. . . . Thus were we butchered by those merciless Heathen, standing amazed, with the blood running down to our heels.[1]

And the Reverend Cotton Mather, rehearsing the experiences of Mrs. Hannah Bradley, of Haverhill, in his essay *Good Fetch'd out of Evil* (Boston, 1706), tells this amazing story of courage and fortitude:

> This Vertuous Woman, had been formerly for Two years together [1686–1688], a Captive in the Hands of the Barbarous Indians. . . .
>
> On *Feb.* 6, 1703, 4. She with her Sister and a Maid or two, and some Children [she was the mother of eleven], (a man being also in the Room,) were talking about the *Indians*, and behold, one of the fierce *Tawnies*, look'd in, with a Gun ready to fire upon them. The Englishman pull'd him in, and got him down, and Mrs. *Bradley* took the opportunity to pour a Good Quantity of scalding *Sope*, (which was then boiling over the Fire) upon him, whereby he was kill'd immediately. Another of the *Tawnies* follow'd at the Heels of his Brother; who stabb'd the Englishman to the Heart. Unto him she dispensed also a quantity of her *Sope*, which not killing him, she with the other women and chidren ran into the Chamber. The House was fired, by the *Indians*, and Mrs. *Bradly* with her Companions found it necessary to Retire behind the House. . . .

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[1] *The Soveraignty and Goodness of God . . . Being a Narrative of the Captivity and Restauration of Mrs. Mary Rowlandson* (2nd edition, Cambridge, 1682), 1, 2–3, 4.

> She was now Entred into a *Second Captivity*; but she had the great Encumbrance of being *Big with Child*, and within *Six weeks* of her Time! After about an Hours Rest, wherein they made her put on Snow Shoes, which to manage, requires more than ordinary agility, she travelled with her Tawny Guardians, all that night, and the next day, until ten a Clock. . . . Here they Refreshed themselves a little, and then travelled on till Night; when they had no Refreshment given them, nor had they any, till after their having Travelled all the Forenoon of the day Ensuing. . . .
>
> She underwent incredible Hardship and Famine; A Mooses Hide, as tough as you may Suppose it, was the best and the most of her Diet. . . .
>
> Here [several weeks later] in the Night, she found her self ill, and having the Help of only One Woman, who got a little *Hemlock* to lay about her, and with a few Sticks made a Shift to blow up a little *Fire*, she was in half an Hour Delivered of the *Infant*, that she had hitherto gone withal. There she lay, till the next Night, with none but the *Snow* under her, and the *Heav'n* over her; in a Misty and a Rainy Season.[1]

In 1706, a year after her return from captivity, Mrs. Bradley's freedom was again threatened when a band of Indians appeared at her husband's garrison house in Haverhill; but she shot one of them, and the rest took to their heels, after which she lived unmolested until 1761, when she finally died in her bed.

Another reason for the present-day interest in Indian captivities is their extreme rarity and elusiveness, which of course make them particularly attractive to the Americana collector, whose chief happiness is to find a new title unknown to his rivals or the bibliographers. Many of the narratives, like the first edition of the Mary Rowlandson captivity, have not survived to our day. Scores of others are unique, and it would be difficult to find more than half a dozen copies of the majority of them. In spite of this, the late Frank C. Deering of Saco managed to assemble a collection of some 750 editions, while Edward E. Ayer secured 482 editions of 237 different captivities, now in the Newberry Library in Chicago. At least half a dozen excellent collections are still in private hands and twice that number in public libraries.

The best of the captivities were, of course, those written by the captives themselves or taken down from their dictation by their contemporaries. Though a few remained unpublished until our own time, most of them were printed soon after the redemption of their heroes, and several became so popular that they ran through twenty or thirty editions. Some of these deserve examination here, particularly a group of some twenty-odd stories of the captivity of New Englanders between the years 1676 and 1867, all but about a half dozen of which had contemporary publication.

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[1] Pages 38–41.

Though the individual adventures differed in detail, the general pattern was pretty much the same. The Indians, goaded by the treachery and cupidity of the whites and encouraged, first by the French and then by the British in Canada, descended in innumerable raids on the outlying settlements. They killed as many men as possible, keeping a few to help carry away their loot, burned all buildings, captured women and children because they were easier to handle than the men and brought as good a ransom, and killed all weaklings and stragglers. Many men were burned at the stake and many others, as well as women and children, were adopted by the Indians. The rest were held for ransom, a profitable racket which the Indians worked to the limit for two centuries. The French paid more for a live prisoner[1] than for a scalp and for three excellent reasons: many of them had decent humanitarian instincts; others were looking for cheap slave labor; and the priests were always on the watch for fresh converts. Much ransom money was paid by the French and the rest by the people back home. The British paid even money for prisoners and scalps,[2] and to many of their tough officers a scalp seemed more desirable than a living enemy who had to be fed and cared for. During colonial times the English were, of course, just as hard-boiled about it as their opponents, as we know from the inappropriately named Captain Lovewell's scalp-hunting expedition which was wiped out at the great fight at Pigwacket and from the fact that the courageous and enterprising Hannah Dustan and many others were paid handsomely (five pounds each, in her case) for the scalps they brought to Boston from the frontiers.

One strange feature of this captivity business is the surprisingly large number of prisoners who refused to return to their old homes when they had the chance. Eunice Williams, daughter of the famous pastor of Deerfield, is the classic example. She turned Catholic, married an Indian, and raised a family of half-breed children, to the great distress of her pious father. Many others, mostly children, had, after years of captivity, forgotten their English language and relatives and were content to live as Indians or Frenchmen among their adoptive families. Their descendants are, today, scattered throughout Canada, and many a great name in Canadian history can be traced back through a captive ancestor to colonial New England.

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[1] Fifty to seven hundred livres per captive.

[2] Roughly eight dollars for either.

One of the most famous of all stories of Indian captivity is that of Mary Rowlandson, the first of the New England narratives to have separate publication. It went through thirty editions, and of the first, printed in Boston in 1682, only the two leaves owned by this Society and the two owned by the Connecticut Historical Society appear to have survived.[1] Previous bibliographers have assumed that it was printed in Cambridge, where the second and corrected edition appeared in the same year. However, in the first edition of *The Possibility of Gods Forsaking a People, That Have Been Visibly Near and Dear to Him*, a sermon by Joseph Rowlandson, Mrs. Rowlandson's husband, which was printed in Boston by Samuel Green, Jr., for John Ratcliffe and John Griffin in 1682 and not across the river at Cambridge, there is, at the end, an erratum note for the lost Mary Rowlandson narrative, which was originally issued with it. Fortunately, there is further proof that the first edition appeared in Boston, for in the first American edition of *Pilgrim's Progress* (Boston, 1681) its printer, Samuel Green, inserted the following advertisement: "Before long, there will be published . . . the particular circumstances of the captivity, & redemption of Mrs. Mary Rowlandson; and of her children. Being pathetically written, with her own hand."

There were two issues of the second edition of the Rowlandson narrative printed at Cambridge in 1682. The title page of the first issue calls it the second *addition*,[2] while the misprint is corrected in the second issue to read second *edition*.[3] Of the third edition, printed the same year in London, there are at least a dozen known copies, eight of them in public libraries. The fourth edition (Boston, 1720) is much rarer, with only three copies recorded. Needless to say, all the nine other eighteenth-century editions are very rare.

When Lancaster was burned by fifteen hundred of King Philip's Indians on February 10, 1674/75, and its inhabitants either killed or carried into captivity, Joseph Rowlandson, the minister of the frontier village, escaped, for he was in Boston where he had gone, somewhat belatedly, for help. The fighting centered around his garrison house where his brother and sister-in-law were killed and his wife, Mary Rowlandson, and their six-year-old daughter were wounded, the latter dying a few days later. Mrs. Rowlandson, with her other children and neighbors, was taken to Canada, whence she was ransomed on May 2 and her children shortly thereafter. Her own graphic story tells of the terrors of her painful trek through the wilderness, her baby killed, herself painfully wounded, and her remaining children scattered she knew not where.

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[1] In both cases the leaves were found used as end papers in Samuel Willard, *Covenant-Keeping The Way to Blessedness* (Boston, 1682). The M.H.S. fragment consists of pages 49–50 and 65–66. The C.H.S. fragment is mutilated in such a way that the page numbers do not appear.

[2] There is a copy in the Boston Public Library.

[3] There are copies in the British Museum and in the Henry E. Huntington Library, the latter lacking the first three leaves.

The year after the burning of Lancaster, Quentin Stockwell was captured near Deerfield and, four months later, after his return, wrote out his plain but thrilling narrative for the Reverend Increase Mather, who included it in his *An Essay for the Recording of Illustrious Providences* (Boston, 1684). There were London editions of Mather's work in 1684 and in 1687,[1] and it is doubtless from one of these that Richard Blome drew the version of Stockwell's story which he printed in his *The Present State of His Majesties Isles and Territories in America* (London, 1687). Stockwell gives the following account of his capture:

> We took a *Swamp* that was at hand for our refuge, the Enemy espying us so near them, ran after us, and shot many Guns at us, three Guns were discharged upon me, the Enemy being within three Rods of me, besides many other, before that. Being in this Swamp that was miry, I slumpt in, and fell down, whereupon one of the Enemy stept to me, with his Hatchet lift up to knock me on the head, supposing that I had been wounded, and so unfit for any other travel. I (as it hapned) had a Pistol by me, which though uncharged, I presented to the *Indian*, who presently stept back; and told me, if I would yield, I should have no hurt. . . .[2]

On his way to Canada, Stockwell was repeatedly threatened with the tomahawk and the stake, but, in spite of being severely frostbitten and in constant fear of his life, he at last reached the friendly French, where his injuries were healed and he was finally ransomed for twenty-one beaver skins.

If Cotton Mather had lived in our day, he might have become one of our ace foreign correspondents, for he had a nose for news and a great relish for telling a thrilling story. Two of his most famous Indian captivity yarns had to do with the adventures of Hannah Swarton and Hannah Dustan. They first appeared in his *Humiliations Follow'd with Deliverances* (Boston, 1697), only two of which have survived, one imperfect. The Dustan story reappeared, in revised form, in his *Decennium Luctuosum*, a history of the Indian wars from 1688 to 1698, published in Boston in 1699, a half-dozen copies of which are known. Both stories appeared again in his *Magnalia Christi Americana* in 1702.

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[1] For later editions, see Thomas J. Holmes, *Increase Mather, a Bibliography of His Works* (2 volumes, Cleveland, 1931), I. 238–240.

[2] Mather, *An Essay for the Recording of Illustrious Providences* (Boston, 1684), 39–40.

Hannah Swarton was captured in 1690 when the frontier settlement at Casco, Maine, was burned by the Indians. Her husband was killed in the fight and her eldest son soon after. Mrs. Swarton and her remaining two sons and a daughter were carried to Canada amid the usual hardships of the fatiguing journey through the wilderness, and there she remained a captive for five years.

Mrs. Hannah Dustan's exploits are even more famous. She, with her nurse and week-old baby, were captured at Haverhill in 1697, her husband having got to safety with their seven other children. The baby was promptly killed, and the two women, with a young boy from Worcester, were finally given to an Indian family of two men, three women, and seven children. One night, while on their way to Canada, Mrs. Dustan, her nurse, and the boy liquidated ten of the Indians with their own tomahawks as they slept, only a wounded squaw and a small boy escaping. Having scalped their victims, they took a canoe and set out for civilization and the Massachusetts General Court, which paid them a bounty of fifty pounds for their scalps, while admiring friends loaded them with other presents. Hannah may still be seen in Haverhill with upraised tomahawk keeping guard over the public square.

The story of the captivity of the Reverend John Williams, his famous *The Redeemed Captive, Returning to Zion* (Boston, 1707), is second only to that of Mary Rowlandson in popularity, for it went through seventeen editions in its original form and at least eight editions abridged and rewritten by others. Shortly after his return from two and a half years of captivity in Canada, Williams published his story, full of pious moralizing but with many vivid bits of description. Of the first edition seven copies have survived, two of them imperfect and two in private collections; but the second edition (Boston, 1720) is even rarer, there being but three recorded copies, one imperfect. The seven other eighteenth-century editions are rare enough to bring joy to the fortunate collector who possesses one of them.

Having already seen two of his children murdered at his own doorstep, the unfortunate minister of the Deerfield congregation records the fate of his wife as follows:

> . . . I was put upon Marching with the foremost, and so made to take my last fare-well of my dear Wife, *the desire of my Eyes*, and companion in many Mercies and Afflictions. . . . I was made to Wade over a small River, and so were all the English, the Water above Knee-deep, the Stream very Swift; and after that, to Travel up a small Mountain, my Strength was almost spent, before I came to the top of it: No sooner had I overcome the difficulty of that ascent, but I was permitted to sit down, & be unburthened of my Pack; I sat pitying those who were behind, and intreated my Master, to let me go down, and help up my Wife, but he refused, and would not let me stir from him. I ask'd each of the Prisoners (as they passed by me) after her, and heard that in passing through the abovesaid River, she fell down, and was plunged over Head and Ears in the Water; after which she travelled not far, for at the Foot of this Mountain, the cruel and blood thirsty Salvage who took her, slew her with his Hatchet, at one stroak; the tidings of which were very awful: and yet such was the hard-heartedness of the Adversary, that my Tears were reckoned to me as a reproach.[1]

In marked contrast to the pious style of the Reverend John Williams is the sprightly, well-written narrative of John Giles, the most interesting captivity in what is now the state of Maine and the only early account to make any considerable use of dialogue. He was taken in 1689 and remained a captive in Canada for nearly nine years. He entitled his story *Memoirs of Odd Adventures, Strange Deliverances, &c. in the Captivity of John Gyles, Esq; Commander of the Garrison on St. George's River* (Boston, 1736). There are only half a dozen copies of the first edition known, two of them imperfect, and it has only once been reprinted, at Cincinnati in 1869. It is hard to understand the lack of popularity of this story among its hero's contemporaries, but perhaps he was considered an ungodly fellow because he was a professional soldier and did not sprinkle his narrative with Biblical allusions and pious moralizings. He tells numerous hunting adventures, Indian customs and traditions, and stories of torture. After several years with the Indians he was sold to a French trader and was finally rescued by the English and returned to Boston and his brothers and sisters.

When the Indians attacked Haverhill in 1708, Joseph Bartlett was captured with many others, adopted by the Indians, and finally sold to a rich Frenchman with whom he lived for fifteen months, following his trade of shoemaker in his spare time. He finally returned by way of Albany to Boston and his native town, Newbury, after a captivity of over four years. One strange misfortune happened to him when a squaw cut off one of his fingers. This was a traditional mutilation dating back to an earlier day when the principal Indian weapon was the bow. It was then customary to cut off a captive's finger so that he could no longer shoot with a bow and arrow, but even after the bow was largely discarded in war, the old form of mutilation seems to have been continued. Bartlett's story of his experiences, *A Narrative of the Captivity of Joseph Bartlett among the French and Indians* was printed in a twelve-page pamphlet in 1807, some half-dozen copies being known, and was reprinted in 1845 in Joshua Coffin's *Sketch of the History of Newbury*.

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[1] (First edition, Boston, 1707), 8–9.

The only New England Quaker captivity to attain any popularity was the story of Elizabeth Hanson, who, with her four children and servant maid, was captured near Dover, New Hampshire, in 1725 and redeemed after a year in Canada. Another Quaker, Samuel Bownas, took down her story and published it in Philadelphia in 1728 under the title *God's Mercy Surmounting Man's Cruelty*. It was reprinted in his autobiography, *An Account of the Life, Travels, and Christian Experiences in the Work of the Ministry of Samuel Bownas* (London, 1756), and was so popular that twenty editions of the separate narrative and a dozen of the editor's biography are known. The only recorded copy of the first edition of the separate narrative lacks the title page and last two leaves, but we know that it is the first edition since it contains a contemporary annotation dated 1742, a dozen years before the second edition appeared.

Next in chronology are three important journals kept by fellow prisoners in the Quebec prison during King George's War. Nehemiah How was captured at what is now Putney, Vermont, in 1745 and was a prisoner until his death in Quebec three years later. His brief but absorbing story, *A Narrative of the Captivity of Nehemiah How*, was published in Boston in 1748 and reprinted in Cleveland in 1904. There is only one known copy of the first issue of the first edition, but of the second issue half a dozen copies have been traced. Here is another example of the simple, direct, but vivid narrative of an intelligent frontiersman. This is the way he tells of his capture:

> ... I went out from the Fort about 50 Rods to cut Wood; and when I had done, I walk'd towards the Fort, but in my Way heard the crackling of Fences

> behind me, and turning about, saw 12 or 13 Indians, with red painted Heads, running after me: On which I cry'd to God for Help, and ran, and hollow'd as I ran, to alarm the Fort; but by that I had ran ten Rods, the Indians came up with me and took hold of me: At the same Time the Men at the Fort shot at the Indians, and kill'd one on the Spot, wounding another, who died fourteen Days after he got Home, and likewise shot a Bullet thro' the Powder-Horn of one that had hold of me. They then led me into the Swamp and pinion'd me.[1]

The latter part of his journal is valuable for its detailed list of captives brought to the prison in Quebec, one of them being his nephew, Daniel How, whose story, as written by Mrs. L. G. Benton, was printed in the 1880's under the title *Grandfather's Captivity and Escape*.

The best account of the capitulation in 1746 of Fort Massachusetts, near the present Williamstown, is to be found in the narrative of its chaplain, the Reverend John Norton, which was printed in Boston in 1748 with the title *The Redeemed Captive* and printed at Albany in 1870 in an edition of one hundred copies. Of the two issues of the first edition some ten copies are known. This unadorned but honest story, written by a brave and resolute man, makes excellent reading. Though not strictly an Indian captivity, since he was more or less under the protection of the French officers during their return to Quebec, he gives plenty of episodes of Indian cruelty to his companions.

The last and most complete of these three Quebec prison journals is that kept by Captain William Pote, Jr., master of the schooner *Montague*, engaged in the service of the Province of Massachusetts. He was captured, together with his ship, by the French and Indians in Annapolis Basin, some five miles from Annapolis Royal in Nova Scotia, in 1745 and taken overland to Quebec where he was a prisoner for two years. His journal is very valuable, since it describes a route not followed by any of the other captives, gives many details of the adventures of the other prisoners in Quebec, and affords quite a different style of writing—the blunt and far from prayerful account of a plain sailor. This journal was not published until 1896, when Bishop John F. Hurst, then its owner, issued it in sumptuous form with the title *The Journal of Captain William Pote, Jr., during His Captivity in the French and Indian War from May, 1745, to August, 1747*. At his sale the original manuscript went to Edward E. Ayer and is now in the Newberry Library.

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[1] *A Narrative of the Captivity of Nehemiah Howe in 1745–1747*, Victor H. Paltsits, Editor, (Cleveland, 1904), 27.

The misadventures of Titus King of Northampton while a member of a local militia regiment guarding a company of men working in a meadow at Charlemont in 1755 remained unknown in his unpublished journal until 1938 when it was printed by the Connecticut Historical Society.[1] His story followed the familiar pattern of adoption by the Indians, ransom by the French, shipment to London and thence to New York and home. His journal is very illiterate but exceedingly graphic and so is an interesting and valuable addition to our frontier literature.

Thomas Brown enlisted in Rogers's Rangers in 1756 at the tender age of sixteen, but there was nothing tender about Tom, as one learns from his *Plain Narrative*, of which three editions were printed in Boston in 1760, the year of his return from captivity, and another in New York in 1908. J. H. Trumbull, in the Brinley catalogue of 1878, said that this is "perhaps the rarest of all narratives of Indian captivity"; and he came pretty near being right, for the only known copy of the first edition, with the last leaf defective, brought $450 in 1916. The imperfect Brinley-Library of Congress copy of the second edition is probably also unique, and the perfect Newberry and imperfect American Antiquarian Society copies of the third edition are the only ones known.

This is one of the swiftest-moving and most exciting of all captivities. Some months after Brown's enlistment and just after they had captured some Frenchmen on Lake Champlain on their way back to Fort William Henry, the Rangers were attacked by the French and Indians in considerable force. Brown was wounded three times, captured, taken to Ticonderoga, then to Montreal as an Indian captive, was made to run the gauntlet, and finally ended up at an Indian village on the Mississippi where he spent the winter. He returned to Montreal with a French trader in the spring, made his escape, and got as far as Crown Point, only to be recaptured and taken back to Montreal and from there to Albany as an exchanged prisoner. He immediately reënlisted, started off on another expedition, and was captured once more and taken to Montreal where he remained until 1760, when he was exchanged and went home after having gone through three years of the toughest and most exciting frontier fighting. His brief but lively narrative tells of seeing prisoners tortured to death and burned at the stake and gives a vivid picture of his own part in the grim business of frontier warfare.

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[1] *Narrative of Titus King of Northampton, Mass., a Prisoner of the Indians in Canada, 1755–1758*, Albert C. Bates, Editor, (Hartford, 1938).

The first Negro to have his adventures published in this country was Briton Hammon, whose story appeared in its first and only edition in Boston in 1760. It was called *A Narrative of the Uncommon Sufferings and Surprizing Deliverance of Briton Hammon, a Negro Man.* His narrative certainly was varied and lively, for he was shipwrecked on the Florida coast in 1747, the sole survivor of the crew, the rest having been massacred by the local Indians. After his captivity among them he was ransomed, had numerous other adventures in and out of prison in the West Indies, and finally came back to Boston as cook on the ship which happened to have as one of its passengers his old master General John Winslow, whom he had not seen for about thirteen years. The only located copies of this curious work are in the Library of Congress and the New York Historical Society.

The story of Susannah Johnson's captivity, which began in 1754, was not recorded until she was an old lady in 1796, when its first edition, with the title *A Narrative of the Captivity of Mrs. Johnson. Containing an Account of Her Sufferings during Four Years with the Indians and French*, appeared at Walpole, New Hampshire. There were ten editions in all, including three published in Scotland and one as late as 1926 in Woodstock, Vermont. She was captured at Charlestown, New Hampshire, with her entire family, gave birth to a daughter (named Captive) shortly after, and was a prisoner of the French and Indians for four years, most of the time in Montreal. This swift-moving narrative, full of excitement, courage, and fortitude and spiced with the lively wit of the not-so-puritan old heroine, is deservedly one of the most popular of all New England captivities.

The most puzzling ghost book in the entire collection is one which was reviewed and quoted in the *London Chronicle* for June 23 and 25, 1768, where it is cited as follows: "*Account of the Captivity of William Henry in 1755, and of His Residence among the Senneka Indians Six Years and Seven Months Till He Made His Escape from Them.* Printed at Boston, 1766. 160 p., 4to." From the review it appears that the author, an Englishman, became a fur trader among the Ohio Indians where he was captured by the Senecas. Two Indian legends, which sound perfectly authentic and which do not appear to have been published elsewhere, are reprinted in the review. No one has ever found a copy of the book or any other contemporary or later reference to it or its author, except that the review was reprinted, without explanation, in the Boston, 1901, edition of Alexander Henry's *Travels and Adventures in Canada and the Indian Territories*. Since this narrative was said to have been originally printed here in Boston, perhaps some member of this Society will some day find a copy hidden away in his ancestral library or attic.

One of the most romantic figures in our colonial and Revolutionary history was a hardy young woodsman and Indian fighter who, in 1758, was a major in Rogers's Rangers in the fighting around Fort Ticonderoga where he had the misfortune to be captured by the Indians. He was tied to a tree with a brisk fire burning around his legs when he was rescued by a French officer and carried off to Canada. The details of this engaging story are to be found in Colonel David Humphreys's *An Essay on the Life of the Honourable Major General Israel Putnam*—for it was Putnam who was the hero of this captivity story—originally published at Hartford in 1788 and reprinted ten times thereafter—not to mention the chapbook abridgement which appeared in London about 1800 under the title *The Interesting Life and Adventures of Gen. Putnam*, with various reprints under different titles.

On his way back from captivity in 1758, Putnam met, at the home of Colonel Peter Schuyler, another famous captive, Mrs. Jemima Howe, whose story also appears in Humphreys's biography of Putnam. The best account of her adventures, however, was taken down by the Reverend Bunker Gay and published in Jeremy Belknap's *History of New Hampshire* (Vol. III., Boston, 1792). The publisher, seeing the best-seller possibilities of the Howe story, reprinted it the same year in a twenty-page pamphlet, *A Genuine and Correct Account of the Captivity, Sufferings and Deliverance of Mrs. Jemima Howe, of Hinsdale, in New-Hampshire*. From this it was purloined by Caleb Bingham for use in the 1794 edition of his *American Preceptor*, in which it appeared in innumerable editions until after the War of 1812. It was lifted back from Bingham into a separate pamphlet at Watertown in 1830, and finally, in a mangled version cribbed from an English chapbook of 1815 (the poor heroine having become the wife of a British officer in the meantime), it became, in 1933, Extra Number 190 of the *Magazine of History*. Not content with the various prose versions, Angela Marco in 1937 turned the story into verse as *The Fair Captive.*

Mrs. Howe had already had one husband killed and scalped by the Indians when, at the Fort Dummer massacre in 1756, her second husband was slain before her eyes and she, with her seven children, was carried to Canada. She was finally ransomed by Colonel Schuyler, and her five sons eventually found their way back, but the two daughters, as a protection from the unwelcome advances of the Frenchmen, were forced to take the veil and so remained for the rest of their lives in a Canadian convent. The epitaph on Mrs. Howe's tombstone appropriately ends with the couplet:

No more can Savage Foes annoy
Nor aught her wide spread Fame Destroy.

Ebenezer Fletcher, whose *Narrative* was published at Amherst, New Hampshire, in 1798 and went through five other editions, most of them extremely rare, was a sixteen-year-old fifer in a New Hampshire regiment in the Burgoyne campaign in 1777 when he was wounded and captured by the Indians at the battle of Hubbardston. After his wound had partially healed, he succeeded in escaping and, having encountered both wolves and Tories on his way back, finally succeeded in rejoining his regiment; two years later he had the satisfaction of helping wipe out the Iroquois towns in Western New York in the Sullivan Expedition of 1779.

In 1808 the famous printer of Bennington, Anthony Haswell, dreamed up the ambitious project of publishing an elegant periodical which he called *The Mental Repast or Rays of Light from the Sun of Science, Reflected from the Northern Section of the American Union by a Number of Friends of Learning.* This title was altogether too much for Haswell's simple Vermont neighbors, and so the publication died of malnutrition at the end of its first half year, but not until it had included in its pages a most interesting narrative of the adventures of one of the Revolutionary soldiers of the locality.

Isaac Webster, of Bennington, served for five years in various Vermont regiments and took part in the Battle of Bennington and the defeat of Burgoyne at Saratoga. In 1779, along with Silas Canfield, he was surprised by a band of Indians near Fort George and taken to the Indian towns in Canada where they successfully ran the gauntlet and were finally moved on to Montreal. Here Colonel Daniel Claus (*Close* in the text) tried to induce them to join a Tory regiment. After some debate they finally did so, but, after a few days in the British service at Sorel, managed to escape and, after nineteen days of great hardship and near starvation, finally rejoined their regiment at Fort George. Webster's narrative remained hidden in the file of the old magazine in the Vermont Historical Society until 1927, when Charles F. Heartman gave it its only separate publication as *A Narrative of the Captivity of Isaac Webster.*[1]

A Memoir of Abijah Hutchinson, a Soldier of the Revolution, written by his grandson, appeared in Rochester, New York, in 1843 and is so rare that only two copies are known, one in the New York Historical Society. Abijah Hutchinson was born in Lebanon, Connecticut, in 1756, fought in Putnam's brigade at Bunker Hill, and after eight months' service enlisted in 1776 on board the Connecticut privateer *Oliver Cromwell* where he was wounded at the taking of the British ship *Bristol.* In 1780 he became a pioneer of Tunbridge, Vermont. In that year the town was burned by the Indians, and Hutchinson, with his brother and another man, was taken to Montreal where he languished in prison for a year. He was then transferred to the notorious Prison Island for another year. In 1782 Hutchinson was one of a party of prisoners who dug their way under the stockade to freedom, escaped from the island on a log raft, and got as far as the vicinity of Ticonderoga when he was retaken and returned to Montreal. There he remained a prisoner until the end of the war. He then married and went back to his Vermont home and, late in life, removed with his son to Geneseo, New York, in 1835 and lived in the beautiful Genesee Valley until his death in 1843.

One of the soldiers who escaped from Prison Island with Hutchinson was Zadock Steele, whose story, *The Indian Captive*, was published at Montpelier in 1818 and reprinted at Springfield, Massachusetts, in 1908. This fascinating narrative begins with an absorbing account of the burning of Royalton where five were killed and twenty-six carried away to captivity. Steele, then twenty-two years old, was captured by the Indians at Randolph, Vermont, ten miles north of Royalton, in 1780, and taken, like so many others, to the Indian town of Caughnawaga where he was adopted. Later in the year he found himself on Prison Island, from which he escaped in 1782. He was more fortunate than Hutchinson, however, and reached

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[1] Number 43 of Heartman's *Historical Series.*

Pittsford, Vermont, after twenty-two days in the wilderness. In 1785 he married and settled in Randolph, removing later to the town of Brookfield, Vermont, near by, where he was still living when he wrote out his adventures in 1816.

A Brief Narrative of the Captivity and Sufferings of Lt. Nathan'l Segar (Paris, Maine, 1825) is one of the most sought after of soldier autobiographies of this period. It would probably be difficult to find more than a half-dozen copies of the first edition, and the second edition (New York, 1940) is also very rare, for all but about twenty of the edition of one hundred and fifty copies were burned in the fire which destroyed the printing office.

Segar was born at Newton and moved to Bethel, Maine, in 1774. The following year found him back at his old home where, after the Battle of Lexington, he enlisted in one of the regiments which arrived on the scene just after the Battle of Bunker Hill. He fought in the Hudson River and New Jersey campaigns, at Bennington, Stillwater, and Saratoga, and was discharged in 1779, and returned to his frontier farm at Bethel. Here in 1781 he and two others were captured by the Indians. His white companion, Clark, was adopted by the Indians; the other prisoner, a Negro, was sold to a Frenchman; and Segar eventually found himself, like so many others, on Prison Island. He remained a military prisoner until the end of the war in 1782 when he was shipped to Boston, and from there hiked home to Newton.

A Journal of the Adventures of Matthew Bunn (Providence, [1796], and reprinted in seven later editions, all but the last two being extremely rare) is a most interesting and exciting story of a slightly later period. Bunn came originally from Massachusetts, but the year 1792 found him an ensign fighting with St. Clair in the Ohio Country. He was captured by the renegade George Girty, gave him the slip, and surrendered to the British garrison at Detroit the following year. He was thrown into jail for damning King George and all the royal family, and was sent to Fort Niagara where, to save his hide, he joined the Queen's Rangers. Serving the British crown was not part of his plan, however, so he escaped, was caught and given five hundred lashes for his temerity, escaped again, and, after many other adventures along the Niagara frontier, finally returned to Massachusetts in 1795.

The *Memoirs of Charles Dennis Rusoe d'Eres, a Native of Canada*

(Exeter, N. H., 1800) has puzzled historians and collectors for many years. It is a rare little volume, but there are nine copies located, and several others have passed through the auctions in recent years. This captivity has generally been considered a work of fiction, partly because of the queer name of the author and also because he was captured by an Indian tribe little known to the average student. Then, too, there are some pretty tall tales in the volume. The story begins with the attack of Montgomery on Quebec, after which the author drifted west to Lake Superior and later to Detroit where he was an interpreter. After his western adventures he returned to New England, was married at Spencer, Massachusetts, in 1794, and finally removed to New Hampshire where he followed his trade of blacksmith. Whether one believes all of it or not, his story is exciting and interesting.

For the final frontier yarn we will skip to the year 1867 and examine a pamphlet with lurid covers and woodcuts which cannot be better described than by quoting its long-winded title: *The True Narrative of the Five Years' Suffering of Miss* [Mary] *Barber, Wife of "Squatting Bear." a Celebrated Sioux Chief. Miss Barber, a Native of Massachusetts, in Her Religious Enthusiasm, Resolved to Go Among the Indians, as Missionary, and with That Purpose in View Married Squatting Bear, at Washington, D.C.* [in 1867]. *After Five Years of Suffering and Stirring Adventures, This Beautiful Young Lady Has Just Returned East and Her Narrative Is One of Deep and Entrancing Interest.* It was published in a number of printings at Philadelphia, without date, but issues have been found with copyright dates of 1872, 1873, 1875, 1880, and 1882, thus proving its great popularity, though there seems no point in its having been recopyrighted year after year.

The beautiful heroine—and I cannot imagine anyone talking or acting less like a missionary—tells us that she was born in Massachusetts in June, 1848. The year 1867 found her in Washington where Squatting Bear had gone to visit the Great White Father, who at the time happened to be President Johnson. The chief must have been considerably astonished to have this nineteen-year-old damsel pick him for a husband but, accepting his good fortune gracefully, he married her (though he already had two wives back home in his lodge, as his third wife soon found out), and they promptly set out for his home one hundred and forty miles from Yankton, Dakota.

She soon found that she had been more than a little rash in her religious zeal, for life was hard in a plains encampment, and in her five years as a Brule Sioux she succeeded in making only two converts. Not content with three wives, her lord and master soon took to himself a fourth, as was but natural, for he was a great chief.

During her adventures she saw a soldier and two teamsters burned at the stake and an emigrant train massacred. A wandering Methodist missionary befriended her and finally died defending her from the unwelcome advances of a French trader who was also liquidated during the melee. She tells of fighting a bloody but not fatal duel with knives with one of her husband's other wives, a little diversion arranged by her husband for the enjoyment of the braves, and of trying to escape, only to be brought back and beaten by her husband. Later on, having tired of her, Squatting Bear traded "Miss Barber" for four ponies to another chief, who was later killed by a white trader named Daniel Leroy, who helped her escape to Fort Leavenworth and so back to her native Massachusetts. She ends her remarkable story with this explanation of why it was written: "If my narrative has proved interesting I am well satisfied, but if in its perusal some silly girl may change her mind regarding the noble red men and relinquish all thoughts of going among them, for any purpose whatever, then I am fully satisfied."

So now our last New England captive has returned from her captivity, the long houses of the Iroquois and the tepees of the Sioux are no more, and war parties no longer swoop down from Canada to devastate the outlying settlements. But the memories of the stirring adventures of our pioneer ancestors still thrill us and remind us that their courage, resourcefulness, and hardihood are a rich heritage which has made and will keep us a great nation.

Colonial Courts and the Common Law

By ZECHARIAH CHAFEE, JR.[1]

WHEN men settle in a new land, they cannot be there long without having law of some kind to adjust their disputes and regulate important transactions. They will have to put this law in operation themselves whenever the land is vacant or thinly peopled by natives who have no power over the settlers from outside. What sort of law will the settlers establish? This is a fascinating problem. Yet, so far as I know, it has not been the subject of any comprehensive study in connection with migrations in general, and historians writing on a particular migration have so much else to interest them that they are unlikely to speculate intensively about the law which the migrants had in their new home.

Two periods in the history of the United States raise this problem in very interesting ways. The first of these periods, which I shall discuss, is the transatlantic migration from England to the colonies along the eastern seaboard. The starting-point is, of course, 1607; but it is just as well not to assign a terminal date until the investigation itself has helped to show what is the best time to stop. The other fruitful period is the opening of the gold-fields in California in 1849 and somewhat later in Colorado. Of course, the problem is presented by the entire movement into open territory in the West from the Revolution until well on in the nineteenth century. One could profitably ask, for instance, what law was set up in Iowa. Still, the gold-fields offer the most attractive opportunity for this inquiry. They brought a great many people into a new region within a short time, so that law had to be established very fast. Moreover, important legal issues which demanded rapid solution were outside the previous experience of many of the settlers. A New Hampshire farmer going to fertile land in Iowa would have some notion what to do about damage done to crops by straying cows, but if he went to Roaring Camp or Cripple Creek he had to grapple with unfamiliar questions about mining and water-rights.

Leaving the Forty-niners and the Colorado prospectors to some future speculations, I shall inquire into the nature of the law which prevailed in the thirteen colonies.

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[1] This paper was read at the December, 1945, meeting.

At the outset it is desirable to speak briefly about the limitations of my subject. English law and American law have always been partly established by statutes, but to a considerably larger extent both have been what is called "unwritten law." The substantive rules designed to govern men's conduct are not laid down by legislatures but embodied in the decisions and action of courts. Blackstone said that the judges were maintaining and expounding law which already existed, while John Austin later insisted that the judges actually made the law in this nonstatutory area.[1] This controversy need not be settled here.[2] It is enough for our purposes to remember that a great deal of the law administered by courts does not come from statutes. This large portion of colonial law is the main object of study in the present paper.

Legislation, of course, is very important. The colonies were affected by statutes enacted on both sides of the Atlantic. Colonial legislatures were more active in making private law than Parliament was before the nineteenth century. Their output is a significant indication of the nature of colonial law and the extent of its divergence from English law. On this account I shall occasionally refer to colonial statutes in the course of comparing colonial law with English law.

At the other end of this comparison, we have to remember that several Acts of Parliament were outstanding features of the English law which conceivably governed colonial judges. Long before the emigration, enactments under Edward I and Henry VIII had entered into the texture of land law. Personal liberties derived much of their strength from Magna Charta. In so far as the colonists brought their law with them from England, it was likely to include such basic statutes as well as the unwritten law. Nor did the possible influence of Parliament on colonial courts stop with emigration. If Parliament expressly stated that a statute was in force in the colonies, its word was pretty sure to be accepted by judges there, at least before the Stamp

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[1] William Blackstone, *Commentaries on the Laws of England* (second edition, Philadelphia, 1766), I. 69. John Austin, *Lectures on Jurisprudence* (fifth edition, London, 1885), I. 242.

[2] See Zechariah Chafee, Jr., "Do Judges Make or Discover Law?" *Proceedings of the American Philosophical Society*, XCI. 405–420.

Act brought protests against the power of Parliament to legislate on the internal affairs of realms overseas. But suppose Parliament was silent on this subject. Here a difficult problem arises, which was explored years ago by our fellow-member, St. George L. Sioussat.[1] Take, for example, the Habeas Corpus Act of 1679, which does not say that it applies to the colonies.[2] Did this great safeguard of personal freedom nevertheless operate automatically in the Massachusetts Bay Colony, which had received its charter a half century earlier? Or did it have to be re-enacted by the General Court in Boston in order to bind colonial officials? Without trying to solve this problem, I need only say that it makes clear how important Acts of Parliament might be for colonial judges.

Still, my chief interest lies elsewhere than in either English or colonial legislation. The question for this paper may be restated thus: Was the unwritten law administered in the colonial courts the same as the unwritten law of England? If not, the question will expand into asking how far these courts diverged from English law and what they put in its place.

COLONIAL CHARTERS AND ORIGINAL STATE CONSTITUTIONS OR STATUTES

Our inquiry is bounded by two sets of indisputable documents, the royal charters at the beginning of the colonial period and state constitutions or statutes soon after its close. Anybody who speculates about the nature of law during the century and a half which intervened between these two sets of documents has to reckon with the clauses therein as to law in the particular colony or state.

Colonial charters or patents commonly have two relevant types of clauses, although one of these is sometimes lacking.

First, settlers in the colonies are granted the customary rights of Englishmen. This practice began in the patent from Queen Elizabeth to Sir Humphrey Gilbert in 1578.[1] It grants to all persons travelling to such lands, and their heirs, that they

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[1] St. George L. Sioussat, "The Theory of the Extension of English Statutes to the Plantations," *Select Essays in Anglo-American Legal History* (3 volumes, Boston, 1907-1909), I. 416–430, reprinting extracts from his "The English Statutes in Maryland," *Johns Hopkins University Studies in History and Political Science* (1903), XXI. 17–30.

[2] 31 Charles II, c. 2, 8 Stat. at L. 432; reprinted in Zechariah Chafee, Jr., *Documents on Fundamental Human Rights* (Cambridge, 1951), II. 327–340.

> shall and maye have and enjoye all the priviledges of free denizens and parsons natyve of England and within our allegiaunce in suche like ample manner and fourme as if they were borne and personally resiaunte within our saide Realme of England any laws custome or usage to the contrary not withstandinge. . . .

A similar grant appears, with varying language in the First Charter of Virginia (1606), the Patent of the Council for New England (1620), and several subsequent charters, although not in the Massachusetts Bay Charter of 1628/9.[2] In the Connecticut Charter of 1662 the clause runs:

> That all, and every the subjects of Us . . . which shall go to inhabit within the said Colony, and every of their Children, which shall happen to be born there, or on the Seas in going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free and natural Subjects within any the Dominions of Us, Our Heirs or Successors, to all Intents, Constructions, and Purposes whatsoever, as if they and every of them were born within the realm of *England*.

Second, the clause which empowers the chartered company or proprietors to make laws is restricted by a provision that these laws shall conform to the laws of England, as closely as possible. Here again the Gilbert Patent was a model. It provides that Gilbert shall have power to govern the inhabitants of the lands settled by him:

> according to such state lawes and ordynaunces as shalbe by him [*etc.*] devysed or established for the better government of the said people as aforsaid soe alwaies that the said statutes lawes and ordenances maye be as neare as conveniently maye agreable to the forme of the lawes and pollicies of England.

A similar limitation on colonial laws was inserted in the Second Virginia Charter (1609), the Patent of the Council for New England (1620), and many later charters. The Massachusetts Bay Charter (1628/9) says:

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[1] *The Voyages and Colonising Enterprises of Sir Humphrey Gilbert*, David B. Quinn, Editor, (London, 1940), I. 88–94.

[2] Detailed references to the charters are omitted; these are readily accessible in Francis N. Thorpe, *Federal and State Constitutions, Colonial Charters and Other Organic Laws . . .* (7 volumes, Washington, 1909).

> That it shall . . . be lawfull . . . in any of their Generall Courts . . . from tyme to tyme to make, ordeine, and establishe all manner of wholesome and reasonable orders, lawes, statutes, and ordinances, directions, and instructions not contrarie to the lawes of this our realm of England, . . . and the forme of oathes warrantable by the lawes and statutes of this our realme of England . . . and for impositions of lawful fynes, mulcts, imprisonment, or other lawfull correction, according to the course of other corporations in this our realme of England. . . .

In the Pennsylvania Charter of 1680/81, the same restriction on laws is followed by more complex provisions. During emergencies while the Assembly is not sitting, Penn and his heirs are authorized to make ordinances with the force of law—

> soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of *England*, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons, for or in their Life, members, Freehold, goods, or Chattles.

Then comes an interesting provision for supplying Pennsylvania with law upon important matters during the gap between the settlement of the colony and the time when express laws are adopted as to such matters:

> And . . . the Lawes for regulateing and governing of Propertie within the said Province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and Chattles, and likewise as to Felonies, shall bee and continue the same, as they shall bee for the time being by the generall course of the Law in our Kingdome of *England*, untill the said Lawes shall bee altered by the said *William Penn* . . . and by the Freemen of the said Province, their Delegates or Deputies. . . .

If these charter clauses did in fact govern the subsequent conduct of the colonists, then English law was a predominating element in colonial law. It is true that the limitation in the second type of clauses applied in its terms only to colonial legislation and not to unwritten law. Still, when statutes had to conform rather closely to English law, it would be absurd to suppose that the home government would be completely unconcerned if colonial courts allowed their nonstatutory law to depart very far from English precedents. As for the first type of clauses, many colonists would naturally want to take advantage of those to assert their legal rights as Englishmen against arbitrary local officials. In order to do so, they would have to invoke

English judicial precedents to a considerable extent, because the English liberties were established by these as well as by notable statutes like Magna Charta.

On the other hand, the colonists might have strong reasons of their own for disregarding the charter limitations and regulating their affairs according to their ideas of what was just and convenient. Such violations of the charters might go unchecked because British governments were far away, busy with other matters, and unable to interfere effectively. "A wise and salutary neglect"[1] might be their policy during most of the years before the final victory over France in 1763 unhappily led them to intensify their supervision of American matters.

In the other set of basic documents, which came at the close of the colonial period, Americans referred to English law as embodied in their law, in language more specific than the charters. As early as May, 1776, for example, the Virginia Convention which later adopted the Declaration of Rights enacted an ordinance:

> That the common law of England, all statutes or acts of parliament made in aid of the common law prior to the fourth year of the reign of king James the first, and which are of a general nature, not local to that kingdom, together with the several acts of the general assembly of this colony now in force, [so far as consistent with action by this convention], shall be the rule of decision, and shall be considered as in full force, until the same shall be altered by the legislative power of this colony.[2]

On July 2, 1776, the New Jersey Constitution, framed by a convention, declared:

> That the common law of England, as well as so much of the statute law, as have been heretofore practised in this Colony, shall still remain in force, until they shall be altered by a future law of the Legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this Charter [constitution]. . . .[3]

Many other states soon adopted similar provisions either in their constitutions or by legislation.[1] It will be observed that the passages quoted, unlike the charters, do not refer to English law in general terms, but speak of "the common law of England" and a carefully defined body of English statutes. In accordance with the limitations of this paper, we can leave aside these statutes and the problem of the status of Acts of Parliament after the settlement of each colony, and confine our attention to the statements about the rest of the law of England.

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[1] Edmund Burke, "Speech on the Conciliation of America," *Works* (Boston, 1881), II. 117.

[2] William W. Hening, *The Statutes at Large; Being A Collection of all the Laws of Virginia* (Richmond, 1821), IX. 127.

[3] Thorpe, *Federal and State Constitutions . . .*, V. 2598.

This emphasis on the common law was in accordance with the settled attitude of the colonists during the controversies with Great Britain before the Revolution broke out with fighting. Thus the Continental Congress, soon after it convened, adopted a Declaration and Resolves on October 14, 1774. One resolution was: "That the respective colonies are entitled to the common law of England. . . ."[2] And the Declaration of Independence listed among the grievances against George III his "abolishing the free system of English law" in Quebec, as a precedent "for introducing the same absolute rule" into the English-speaking colonies.

Nevertheless, we have to be cautious about regarding these references to the common law during our Revolutionary period as conclusive proof that the entire unwritten law of England had been continuously operating since the colonies were settled. In the first place, the patriots may have exaggerated the identity between their law and English law for political reasons, so as to strengthen their arguments against British taxes and other obnoxious proceedings. The fact that Coke and his associates were not always historically accurate in their use of Magna Charta and other precedents in their controversies with Charles I has some significance. Secondly, even if the patriots were right about colonial law in their own time, it may not have been always like that. Much greater divergences from English law may have existed during a considerable portion of the earlier life of the colonies. Perhaps they lacked adequate information about colonial law a century before. Certainly they had no strong motives for investigating that subject and reporting about it with scrupulous thoroughness.

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[1] For a useful discussion of some problems raised by such provisions, see Herbert Pope, "The English Common Law in the United States," *Harvard Law Review*, XXIV (1910), 6–30.

[2] *Journals of the Continental Congress, 1774–1789* (Washington, 1904), I. 69.

Finally, these documents leave us with the problem of what the men of Revolutionary times meant by "the common law of England." The words "common law" have at least four recognized meanings, varying with the circumstances in which they are used. First, they describe the legal system now prevalent in the United States and most of the British Commonwealth of Nations as contrasted with the Civil Law of Continental Europe, Scotland, and Quebec, which is derived from Roman Law. Secondly, they mean the law common to all of England. Blackstone speaks of "general customs, or the common law, properly so called; this is that law, by which proceedings in the king's ordinary courts of justice are guided and directed."[1] He distinguishes it from particular customs which, for the most part, affect only the inhabitants of particular districts, and from certain particular laws which, by custom, are adopted and used only in certain peculiar courts—the ecclesiastical courts, for instance. Thirdly, the phrase means unwritten law in contrast with legislation. Fourth, it is used with reference to the distinction between equity, applied in the Court of Chancery, and the law, applied in the Courts of Common Pleas, King's Bench, and Exchequer. Not long after the period of these documents, the United States Constitution had this meaning when it spoke in Article III of "all Cases, in Law and Equity," and in the Seventh Amendment of "suits at common law."

This fourth sense can be eliminated while we are trying to interpret "common law of England" in early state constitutions and statutes. Probably the third sense, unwritten law, had a predominating influence. Still, the first and second meanings may have played some part. And we cannot be sure that the draftsmen had a very clear idea of what they were talking about, although they were sure it was something they liked. At all events, the words leave plenty of room for controversy, and controversy has not failed to take place.

THREE THEORIES WHICH HAVE BEEN ADVANCED AS TO COLONIAL LAW

The phrases quoted from early state constitutions and statutes treat the common law, however defined, as nothing new. Apparently the people wanted to keep something they had long possessed. But for how long?

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[1] Blackstone, *Commentaries on the Laws of England*, I. 68.

To this question three widely different answers have been given by scholars whose judgment deserves much respect. I shall begin by stating and discussing the two theories which have received the most support. The third theory, which has been recently suggested by a single scholar of distinction, will be presented afterwards.

1. *The theory that the common law of England was substantially in force in the colonies from the time of their settlement.* This may be regarded as the orthodox legal theory, since it is the only view of the matter which has been accepted in judicial opinions. It is backed by the high authority of our former member, Mr. Justice Story. Besides voicing this theory in a decision of the United States Supreme Court,[1] he set it forth at length in his *Commentaries on the Constitution of the United States:*

> In the charters . . . either expressly or by necessary implication it is provided that the laws of England so far as applicable shall be in force there. . . .
>
> And so has been the uniform doctrine in America ever since the settlement of the colonies. The universal principle (and the practice has conformed to it) has been, that the common law is our birthright and inheritance, and that our ancestors brought hither with them upon their emigration all of it, which was applicable to their situation. The whole structure of our present jurisprudence stands upon the original foundations of the common law.
>
> We thus see in a very clear light the mode in which the common law was first introduced into the colonies; as well as the true reason of the exceptions to it to be found in our colonial usages and laws. It was not introduced as of original and universal obligation in its utmost latitude; but the limitations contained in the bosom of the common law itself, and indeed constituting a part of the law of nations, were affirmatively settled and recognized in the respective charters of settlement.[2]

A similar view was expressed from the Massachusetts bench in 1847 by our former member, Chief-Justice Lemuel Shaw. William Chapman had been indicted for a criminal libel and objected that there was no law of Massachusetts which made this punishable as an offence. Certainly there was no statute to that effect. The United States Supreme Court had held that there are no federal crimes except those established and defined by Congress.[3] A similar doctrine prevails in some states. However, Chief-Justice Shaw took the contrary position and decided that libel was a crime in Massachusetts because it was a crime at common law. He said:

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[1] *Van Ness v. Packard,* 2 Peters (U. S.) Reports 137 at 144 (1829).

[2] Joseph Story, *Commentaries on the Constitution of the United States* (second edition, Boston, 1851).

[3] *United States v. Hudson,* 7 Cranch (U. S.) Reports 32 (1812), nullifying an indictment for a criminal libel.

> It is true that there is no statute of the Commonwealth declaring the writing or publishing of a written libel, or a malicious libel by signs and pictures, a punishable offence. But this goes little way towards settling the question. A great part of the municipal law of Massachusetts, both civil and criminal, is an unwritten and traditionary law. It has been common to denominate this "the common law of England," because it is no doubt true that a large portion of it has been derived from the laws of England, either the common law of England, or those English statutes passed before the emigration of our ancestors, and constituting a part of that law, by which, as English subjects, they were governed when they emigrated; or statutes made afterwards, of a general nature, in amendment or modification of the common law, which were adopted in the colony or province by general consent.
>
> In addition to these sources of unwritten law, some usages, growing out of the peculiar situation and exigencies of the earlier settlers of Massachusetts, not traceable to any written statute or ordinance, but adopted by general consent, have long had the force of law; as, for instance the convenient practice by which, if a married woman join with her husband in a deed conveying land of which she is seized in her own right, and simply acknowledge it before a magistrate, it shall be valid to pass her land, without the more expensive process of a fine, required by the common law. Indeed, considering all these sources of unwritten and traditionary law, it is now more accurate, instead of the common law of England, which constitutes a part of it, to call it collectively the common law of Massachusetts.
>
> To a very great extent, the unwritten law constitutes the basis of our jurisprudence, and furnishes the rules by which public and private rights are established and secured, the social relations of all persons regulated, their rights, duties, and obligations determined, and all violations of duty redressed and punished. Without its aid, the written law, embracing the constitution and statute laws, would constitute but a lame, partial, and impracticable system. Even in many cases, where statutes have been made in respect to particular subjects, they could not be carried into effect, and must remain a dead letter, without the aid of the common law. . . .
>
> When our ancestors first settled this country, they came here as English subjects; they settled on the land as English territory, constituting part of the realm of England, and of course governed by its laws; they accepted charters from the English government, conferring both political powers and civil privileges; and they never ceased to claim the rights and privileges of English subjects, till the revolution. It is not therefore, perhaps, so accurate to say, that they established the laws of England here, as to say, that they were subject to the laws of England. When they left one portion of its territory, they were alike subject, on their transit and when they arrived at another portion of the English terri-

tory; and therefore always, till the declaration of independence, they were governed and protected by the laws of England, so far as those laws were applicable to their state and condition.[1]

The fact that Story and Shaw, like many of the early state constitutions and statutes, recognized that the common law did not apply in the colonies when it would have been inappropriate to our circumstances does leave some leeway for a different kind of colonial law. It is always interesting to learn of any such special situations. Shaw mentions one of them in the opinion just quoted. Thomas Jefferson in his *Notes on Virginia*, written in 1781, while discussing in Query XIV "The administration of justice and the description of the laws," says: "The laws of England seem to have been adopted by common consent of the settlers, which might easily enough be done whilst they were few and living altogether." Then he mentions a statute of 1661 in which the Virginia Assembly expressly adopted these laws, unless "a difference of condition" rendered them inapplicable.[2] Jefferson goes on to describe at some length a considerable number of Virginian variations from the British model because of such "a difference of condition."

Nevertheless, the existence of some peculiarly American law to take care of local conditions does not really vitiate the theory that the English common law was substantially in force in the colonies from the beginning. Supporters of the orthodox theory regard the common law as prevailing unless there were special reasons for departing from it. This rather small exception is quite different from the position of the writers next to be considered, who have asserted that the colonists deliberately threw overboard a very large portion of English law and established in its place regulations of their own making.

2. *The theory that the colonists had in large measure their own kind of law for a long time after their settlement in America.* The first vigorous attack on the orthodox theory was made in 1899 by Paul S. Reinsch, afterwards Professor of Political Science in the University of Wisconsin.[3] Reinsch began by stating Story's view that "the common law

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[1] *Commonwealth v. Chapman*, 13 Metcalf (Mass.) Reports 69 at 68–69, 73–74 (1847).

[2] Hening, *Statutes at Large . . . Virginia*, II. 43.

[3] Paul S. Reinsch, "The English Common Law in the Early American Colonies," *Select Essays in Anglo-American Legal History*, I. 367–415, reprinted from the *Bulletin* of the University of Wisconsin, Volume II.

was from the first looked upon by the colonists as a system of positive and subsidiary law," which applied whenever it was not replaced by colonial legislation or by special customs, and then rejected this view:

> On the contrary, we find from the very first, originality in legal conceptions, departing widely from the most settled theories of the common law, and even a total denial of the subsidiary character of English jurisprudence. . . .
>
> The earliest settlers in many of the colonies made bodies of law, which, from every indication, they considered a complete statement of the needful legal regulations. Their civilization being primitive, a brief code concerning crimes, torts, and the simplest contracts, in many ways like the dooms of the Anglo-Saxon kings, would be sufficient. Not only did these codes innovate upon, and depart from, the models of common law, but, in matters not fixed by such codes, there was in the earliest times no reference to that system. They were left to the discretion of the magistrates.
>
> In many cases the colonists expressed an adhesion to the common law, but, when we investigate the actual administration of justice, we find that usually it was of a rude, popular, summary kind, in which the refined distinctions, the artificial developments of the older system have no place. A technical system can, of course, be administered only with the aid of trained lawyers. But these were generally not found in the colonies during the 17th century, and even far down into the 18th we shall find that the legal adminstration was in the hands of laymen in many of the provinces. Only as the lawyers grow more numerous and receive a better training, do we find a general reception and use of the more refined theories of the common law. It is but natural that, with increased training, the courts and practitioners should turn to the great reservoir of legal experience in their own language for guidance and information; the courts would be more ready to favor the theory of the adoption of the common law, as it increased their importance, virtually giving them legislative power. The foregoing statements are especially true of New England, where the subsidiary force of the common law was plainly denied; where a system of popular law (Volksrecht) grew up; and, where the law of God took the place of a secondary system.
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> . . . we had a period of rude, untechnical popular law, followed, as lawyers became numerous and the study of law prominent, by the gradual reception of most of the rules of the English common law.[1]

A similar position was taken by Dean Charles J. Hilkey of Emory University Law School in Atlanta, Georgia, in 1910.[2] Although

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[1] *Ibid.*, 369–370.

[2] Charles J. Hilkey, "Local Developments in Colonial Massachusetts, 1630–1686," *Columbia Studies in History, Economics and Public Law*, XXXVII (1910), 157. See the careful examination of the situation in the early years of the Massachusetts Bay Colony by Richard B. Morris, "Massachusetts and the Common Law: The Declaration of 1646," *American Historical Review*, XXXI (1926), 443–453.

Reinsch and Hilkey conceded that the settlers were influenced by their former contact with English law, they asserted that the colonies did not consider English law binding. In so far as the settlers needed to use past experience for obtaining rules of law, they took them from the Old Testament and not from English sources.

There are two important propositions in this theory. First, the original law of the colonies was for the most part very different from English law and had a rude, popular nature. Secondly, eventually a reception of most of the rules of the English common law took place. This was a process somewhat resembling the well-known Reception of Roman Law into Germany and Holland during the Renaissance.[1]

Our fellow-member, Roscoe Pound, appears to agree in his writings with both these propositions, and he has done a good deal to expound the second of them. The following quotations indicate his position.

> . . . the history of the common law in America, begins for practical purposes, after the Revolution . . . Law made little progress in America in the seventeenth century. Social and economic conditions were such that a rude administration of justice by magistrates sufficed. . . .
>
> . . . law had made some progress in America at the outbreak of the Revolution. There had been a gradual evolution of a judicial system, and in many places there was coming to be a well-trained bar. Doubtless this would have insured a reception and development of the common law. But it happened here, as in seventeenth-century England, that the common law became useful as a political weapon. Thus a tradition arose that the colonists had brought with them the common law, as a much-prized heritage, and had clung to it and asserted it in the new world. . . .
>
> After the Revolution a reaction set in. . . . Naturally the public was hostile to England and to all that was English, and it was impossible for the common law to escape the odium of its English origin. . . . It is not too much to say that in the second decade of the nineteenth century, when Judge Story took his seat upon the Bench, the work of receiving and adapting the common law and our developing therefrom a system of American law remained yet to do.[2]
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> For most practical purposes American judicial history begins after the Revolution. Administration of justice in colonial America was at first executive and legislative, and these types of non-judicial justice persisted well into the last

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[1] See Frederick W. Maitland, "English Law and the Renaissance," *Select Essays in Anglo-American Legal History*, I. 168 and 170–175; John C. Gray, "Nature and Sources of the Law" (second edition, New York, 1921), 230–324.

[2] Roscoe Pound, "The Place of Judge Story in the Making of American Law," *American Law Review*, XLVIII (1912), 676 and 680–682.

> century. Again with a few conspicuous exceptions the courts before and for some time after the Revolution were made up largely of untrained magistrates who administered justice according to their common sense and the light of nature with some guidance from legislation. Until the Revolution in most of the colonies it was not considered necessary or even expedient to have judges learned in the law. . . . When James Kent went upon the bench in New York in 1791, he could say with entire truth: "There were no reports or state precedents. The opinions from the bench were delivered *ore tenus*. We had no law of our own and nobody knew what [the law] was."
>
> Our judicial organization, then, and the great body of our American common law are the work of the last quarter of the eighteenth century and the first half of the nineteenth century. . . .
>
> In the homogeneous pioneer or rural community of the first half of the nineteenth century, the administration of justice involved three problems: (1) To receive the English common law, or to find somewhere else a basis for legal development, and to work out upon the basis adopted a system of principles and rules adapted to America . . . .
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> Chief of these problems was the one first named, the problem of working out a system of rules and principles applicable to America. It has long been the orthodox view that the colonists brought the common law with them and that the English law has obtained in this country from the beginning. But this is only a legal theory. In fact the colonies began with all manner of experiments in administering justice without law and it was not till the middle of the eighteenth century that the setting up of a system of courts and the rise of a custom of studying law in England began to make for a general administration of justice according to English law. Just prior to the Revolution the wide-spread study of Blackstone, whose first edition appeared in 1765, gave great impetus to the reception of the common law. But as late as 1791 the law was so completely at large in New York that the genius of a Kent was needed to make the common law the law of that state.[1]

Thirty years ago I held the same theory and set it forth in the following passage, which contains more sentences I now regret than anything else I have written:

> Hostility to lawyers and case-law is no new phenomenon in this country. Puritans and Quakers arrived with unpleasant memories of the English bench and bar, who had harried them out of their homes. To them, law meant heresy trials, and the impression that these left on the minds of their victims has been set down forever by Bunyan in the prosecution of Faithful at Vanity Fair. The colonists were no more anxious to transplant some Lord Hate-good, his counsellors, and his law books to our shores, than Eugene V. Debs would strive to set up injunctions and sedition statutes if he were founding a socialistic com-

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[1] Roscoe Pound, *The Spirit of Common Law* (Boston, 1921), 113–116. See also, Pound, "What of Stare Decisis?" *Fordham Law Review*, x (1941), Number 1, 4–5.

monwealth in the South Seas. The popular attitude toward lawyers was re-inforced by the clergy who were naturally reluctant to have their great moral and intellectual influence disputed by men who would hire themselves out to argue either side of any question. The ministers who ruled Massachusetts and Connecticut by the Law of Moses, wanted no rivals to challenge their decisions upon the authority of Bracton and Coke. And everywhere, except perhaps on the Southern plantations, the complicated structure of feudal doctrines, which constituted such a large part of English law well into the 18th century, was as unsuited to Colonial ways and needs as a Gothic cathedral in the wilderness. Life was so pressing, time was so short, labour was scarce, that the only law which could receive acceptance must be so simple that the settlers could apply it themselves. Although Justice Story has spread wide the belief that our ancestors brought the Common Law to New England on the *Mayflower*, the truth is that only a few fragments got across. These were rapidly supplemented by rules based on pioneer conditions. Much the same phenomenon occurred as in the California of 1849, where the miners ignored the water-law of the Atlantic seaboard which gave each person bordering on a stream some share of the water, and adopted instead the custom better suited to a new country of first come, first served. Almost the earliest task of the founders of a Colony was the regulation of the disputes which arise in a primitive civilization by a brief legislative code concerning crimes, torts, and the simplest contracts, in many ways like the dooms of the Anglo-Saxon kings. Gaps in these codes were not filled from the Common Law, as would be the case to-day, but by the discretion of the magistrate, or in some Colonies, in the early days, from the Bible. Land laws and conveyances were simple,—the underlying English principle of primogeniture was abolished outright by several Colonial charters, and disputes of title were lessened by the admirable system of registering deeds. Such law did not require lawyers, and it is not surprising that even the magistrates were usually laymen. The chief justice of Rhode Island as late as 1818 was a blacksmith. Oftentimes a controversy was taken away from the court by the legislature and settled by a special statute. Thus, instead of the English and modern American judge-made law, the Colonists received for the most part executive and legislative justice, and lived under a protoplasmic popular law, with the Common Law only one of its many ingredients.[1]

Although each of these theories contains part of the truth about colonial law, as I shall endeavor to show later, both of them now seem to me to have serious shortcomings. According to the first view, the settlers transported most of their law with them from England, like cattle and furniture. By the second view, they created almost all their law afresh in America, like the houses they had to build there without stick or stone from their former abodes. Either extreme disregards the wise reflection in the Epistles of Horace: "They change their skies but not their minds who sail across the sea." Since law is the outcome of the thoughts of men in response to the conditions in which they live, colonial law was very likely to be a component of the situation of the settlers in the New World and of the ideas they carried across the Atlantic. It is essential to remember that some of their ideas had been developing for centuries in the Old World, for instance, the concepts of English law, while others were the product of the Reformation, especially the more extreme aspects of it, and of their own bent as earnest individuals.

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[1] Chafee, "The Law," in *Civilization in the United States: An Inquiry by Thirty Americans*, Harold E. Stearns, Editor, (New York, 1922), 53 at 54–55.

Colonial law could not be overwhelmingly English law. Some of this would be useless in a different physical environment and novel ways of life. An added factor favoring change was that many colonists were innovators by nature, notably the Pilgrims and Puritans in New England and the Quakers in Pennsylvania or New Jersey. They wanted to break away from a good deal of what they had left behind them in England. They were in close touch with the Englishmen who brought about significant legal reforms during the Commonwealth, like the elimination of Latin from court proceedings; although such reforms were mostly dropped in England when Charles II was restored to the throne, they had a better chance of persisting overseas. Some colonists had good reason to dislike parts of the English law, which had harried them with imprisonment and other penalties. By and large, the settlers were not the kind of men who shrink from change and preserve the past for its own sake.

And yet colonial law could not be overwhelmingly new law. Nobody can get outside himself to do his thinking, even after he has tossed for weeks on the Atlantic. No doubt, new surroundings do eventually produce new thoughts, but these do not wholly drive out deeply-rooted attitudes and customary methods of handling practical difficulties. It takes too much trouble to discard everything you know and start all over again. Even after a revolution, it has been sagely observed: "*Plus ça change, plus c'est la même chose.*" And the settlement of the American colonies was far from being a revolution. In spite of being innovators, the New Englanders and the Quakers had considerable continuity with the past and the remaining colonists were still closer to their English background. Here, too, there was an added factor, which in this case tended to produce compliance with English law. Officials in England and those who were sent to America kept the colonists from being completely free to make their law as they pleased. Had they wished to make it wholly unlike English law, which was not the case, the government at home would have cracked down on them in various ways. Conservatives might be scarce in the colonies, but you could find them governing in London. Although they could not produce so much legal uniformity between the colonies and England as they desired, they did have power to accomplish a good deal whenever their attention was aroused.

The *a priori* reasoning just set forth is aptly confirmed by the printed records of the proceedings in colonial courts. During the thirty years since I wrote the paragraph quoted above, my attitude toward colonial law has been much altered by editing Massachusetts Records toward the end of the seventeenth century with our fellow-member, Samuel E. Morison, and by reading Daniel J. Boorstin's publication of the elaborate notebooks which Delaware lawyers compiled of cases argued or witnessed by them between the Revolution and 1800.[1] These sources furnish convincing proof that the two theories of colonial law already set forth describe different sides of the same shield, and that the situation was much more complex than either theory recognizes.

Start with Story's theory. It is irreconcilable with the court records, if it means that the common law existed in the colonies in the same way that it did in England. English law during the seventeenth and eighteenth centuries comprised a large number of technical legal rules. These rules were worked out in a number of courts with the aid of a trained bar from which the judges had been selected. The lawyers on each side cited earlier cases in support of their respective positions, and the decision thus obtained was accompanied by one or more judicial opinions in which great attention was given to the same sort of earlier case-law. By contrast, colonial courts were simply organized and usually composed of laymen. Although the litigant frequently sent somebody else to present his case for him, this representative might be more like a business agent than a lawyer. He got his training from experience in court much more than from studying law books. Earlier decisions played little or no part in the arguments for each side, and judicial opinions were virtually non-existent until after the Revolution. Indeed, questions of law were little discussed. Decisions usually turned on issues of fact. In so far as "the common law of England" consisted of an assemblage of specific English decisions, it is hard to find anything of this sort during many decades of colonial court proceedings, and the process by which disputes were adjusted by courts was much simpler in the colonies than in England.

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[1] *Records of the Suffolk County Court, 1671–1680* (2 volumes, *Publications of the Colonial Society of Massachusetts*, Boston, 1933), I. xxix and xxx; and *Delaware Cases, 1792–1830*, Daniel J. Boorstin, Editor, assisted by Frankel and Helman (3 volumes, St. Paul, 1943). The numerous cases before 1801 in these Delaware volumes are reviewed by Chafee, 57 *Harvard Law Review*, LVII (1944), 399–430.

Still, Story's theory has a good deal of truth to it if we define "the common law of England" more broadly and regard it as a system of principles and rules of action. Such a system could be learned by the colonists from a few treatises like Coke's *Institutes* and Dalton's *Justice of the Peace*, which we know they possessed. Such an "unwritten law" might gradually change with the passage of time. Colonists would go to England to study law at the Inns of Court and return with many law reports for their libraries. Proprietors and British officials would cite court decisions in their disputes with the settlers. Thus the original system of principles would eventually absorb big chunks of case-law. Yet at no point in the process would there be a sharp break or any sense of something new. The lawyers who helped put the phrases about "the common law of England" into early state constitutions may have felt that they were preserving what the colonies had always had since the first settlers landed. And it is arguable that according to the standards of a world of mutability they were right. "The test of personal identity . . . lies . . . in its life—in the continuity of its life."[1]

The Reinsch theory of an indigenous American law also conforms only in part to the recorded facts. Consider its first proposition. The colonial court records do bear this out to the extent that they reveal departures from English law, which I have already mentioned. Yet there were more English elements in colonial law than this theory recognizes. Professor Theodore Plucknett of the London School of Economics points out how much the Massachusetts Laws and Liberties of 1648 were indebted to the common law.[2]

Moreover, the view that colonial law was either rude or drawn from the Bible is dispelled by a study of the court records, at least after the earliest periods of settlement. Instead, judicial proceedings although simpler than in England do show a good deal of formality and sophistication. As for the Bible, the Massachusetts settlers did use it in their criminal statutes for capital crimes, but it had little effect upon the law they had in civil litigation. The Suffolk County Court Records do not support Hilkey's statement that "the Scriptures were an infallible guide for both judge and legislator."[1] For example, in a Boston case in 1679 where the inheritance of land of a man was disputed between the dead man's relatives on his father's side and those on his mother's side, the former group relied on a text in the Book of Numbers favoring males and insisted that they ought to get the land "according to the law of God." The opponents replied that this part of the Bible was an unsafe basis for legal decisions, since it provided for a complete distribution of land in a Year of Jubilee every fifty years, which would upset every land title in the Massachusetts Bay Colony.[2] The Delaware cases a century later ignored the Bible and paid considerable attention to English precedents, besides occasionally citing earlier decisions in Delaware.

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[1] Haldane, *arguendo*, in *Free Church of Scotland v. Overtown*, [1904] A.C. 515, 609.

[2] Theodore Plucknett, book review, *New England Quarterly*, III (1930), 157–158.

My study of the court records makes me wonder whether the absence of professional lawyers indicates legal immaturity quite so much as Mr. Pound suggests. Men were much less specialized in colonial times than today. It is well known that they were jacks of all trades. The lack of professional architects did not deprive the country of good colonial buildings, and men who were not lawyers in our sense might attain a similar proficiency in conducting or deciding litigation or in drafting documents. Conveyances of land were technically phrased. Moreover, a good many of the lay judges occupied high official positions in their respective colonies, so that they were accustomed to act responsibly and to keep constantly in touch with statutes and other parts of the law. The arguments in the court records often seem to be addressed to thoughtful judges, in spite of their infrequent use of precedents. Additional proof that laymen among the colonies often knew a good deal of law is furnished by a famous passage in Burke's Speech on Conciliation in 1775:

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[1] Hilkey, "Local Development in Colonial Massachusetts, 1630–1686," 68. Compare Introduction to *Records of the Suffolk County Court,* I. xxxii–xxxiv.

[2] *Records of the Suffolk County Court,* II. 1034–1037.

> In no country, perhaps, in the world is law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear they have sold nearly as many of Blackstones "Commentaries" in America as in England.[1]

Finally, the records render one very cautious in generalizing about colonial law, as if it were the same at all times and in all colonies. On the contrary, he soon sees that litigation reached different levels of maturity in the various colonies at a given period. For instance, Maryland lawyers and procedure in the middle of the eighteenth century were much closer to the English situation than was the case in Rhode Island. Another lesson is that the state of the law in a particular colony depends a good deal on the decade one is considering. After all, it was 169 years from Jamestown to the Declaration of Independence, as long a time as from 1776 until the surrender of Japan in Tokyo Harbor. Many changes are bound to occur in five generations. Thus the General Court of Massachusetts declared (somewhat inaccurately) in 1646: "Our allegiance binds us not to the laws of England any longer than while we live in England. . . ."[2] It does not follow that the same statement would have been made in the Suffolk County Court between 1671 and 1680, and its soundness would have been still more questionable. When James Otis and John Adams were arguing against writs of assistance a century later, they relied on English precedents and would have indignantly repudiated the motion that the laws of England gave the colonists no rights.[3]

Further doubts about the Reinsch theory arise from its second proposition, about the substitution of English law in place of the very different preceding system. It is difficult to find any evidence in the court records that such a "reception" took place, and yet it is an essential part of the theory. No doubt, Pound rightly stresses the increased use of English precedents after the Revolution, and the Delaware records show a good deal of it going on while Kent and Story were boys. But a reception of English case-law is not the same thing as the alleged reception of the common law. The important point is that lawyers during the Revolutionary period believed they were using the common law, whether or not they cited English decisions. The affirmation of the common law in the early state constitutions and statutes was made on too wide a scale to be dismissed as mere political propaganda. When the colonists eagerly bought copies of Blackstone, as Burke tells us, they did not suppose they were learning about foreign law.[1] Plainly they wanted Blackstone because he was expounding *their* law. This carries us back to my earlier suggestion that "the common law of England" meant to its users something else than case-law; it described the system of principles and rules of action which obtained in England. Then the alleged "reception" of English law in this sense must have taken place at some time before 1776.

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[1] Burke, *Works,* II. 124–125.

[2] Quoted by Richard B. Morris, "Massachusetts and the Common Law," 452, from *Journal of the General Court,* I. 388.

[3] See the material on writs of assistance in Josiah Quincy, Jr., *Reports of Cases . . . 1761–1772* (Boston, 1865), 395–540.

What was the date of the big break with the past in the legal history of every colony? Here I find a great difficulty for the Reinsch theory. If a particular colony actually had a system alien to the common law for a considerable period after its settlement, a fairly obvious transition must have occurred when the new law imported from England replaced bodily the old law which the colonists had known for decades. Of course, this alleged transition was not the act of a day, like the periodic oscillations of unhappy Alsace from the Code Napoleon to the German Code and vice versa. The process of shifting over may have occupied several years, like the reception of the Roman law to which it has been compared. But we have abundant proof of the reception of the Roman law into any given country of Europe from the men who lived through it; we know what they thought about it; historians can give its approximate dates. Have we similar proof of the "reception" of the English common law in any given American colony? Do we learn from that generation or the next just when and how it happened? Unless the common law was always considered to be in force (which these modernist writers deny), one would suppose that contemporaries, especially lawyers, would be greatly impressed by the arrival of a complete new system of law from overseas and the simultaneous rejection of the law of their ancestors. They would comment on this striking event in their letters and diaries, they would get it into histories, they and their children would speak of it for years afterwards, just as they remembered the Great Awakening and we remember the Great Depression.

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[1] Burke, *Works,* II. 124–125.

Taking the rather abundant court records of Delaware, I made a thorough search for any mention of the disappearance of an indigenous American law and the arrival of a new system from England.[1] Nothing of the sort was found. Instead, everybody appeared to take it for granted that the law of Delaware after Independence was the law which it had always had since its settlement.

Nobody can speak with assurance on this subject until a similar search has been made in several other colonies, but it seems fair to ask supporters of the Reinsch theory to produce some contemporaneous evidence of an awareness on the part of colonists that they had shifted from a native American law to the recently imported common law.

3. *The theory that colonial law was English local law.* In 1931 Story's theory was subjected to a different attack by Professor Julius Goebel of Columbia Law School.[2] He agreed with the Reinsch theory that for decades after settlement the English common law was largely an alien system in the colonies, but diverged widely as to what law did prevail. Instead of assuming that our ancestors left behind them practically all the legal portion of their cultural heritage and suffered a complete sea-change, Goebel concluded that they brought across the Atlantic the very law they had known in England. But *their* English law, he maintained, was not the common law. That consisted of the decisions and doctrines of the King's courts in London, which meant little to them. The law under which settlers had grown up was the customary law administered in the English local courts, which sat in county towns and boroughs and manors.

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[1] Chafee, book review, *Harvard Law Review,* LVII. 416–418.

[2] Julius Goebel, "King's Law and Local Custom in Seventeenth Century New England," *Columbia Law Review,* XXXI (1931), 416. See, also, the introduction to Richard B. Morris, *Select Cases of the Mayor's Court of New York City, 1674–1784* (American Historical Association, 1935); George Lee Haskins, "The Beginnings of the Recording System in Massachusetts," *Boston University Law Review,* XXI (1941), 281, pointing out the influence of borough and manorial customs.

> So accustomed are we to focus our attention upon the expansion of the King's law that we have closed our eyes to the fact that at the outset of the seventeenth century local custom and local courts were still an immensely important part of the law administration in England.[1]

It was to the local courts that the small farmer or artisan would turn if he wished to get back his misappropriated cows or collect a bill; and it was these courts which turned upon him if his hogs had no rings in their noses or if he put his garbage in the street.[2]

This transplantation of local institutions and customary law was, according to Goebel, the basic factor in the colonial law of the seventeenth century. Eventually—here he does agree with Reinsch—as the administration of justice became professionalized, "the Leviathan common law was set in motion." Yet the seventeenth century "gave us legal institutions which the common law never succeeded in smothering."[3] But Goebel indignantly repudiated the view of Reinsch that the settlers had a rude folk law. In a later book, he says of the colonial records of the City and County of New York:[4]

> They reveal that in one outpost of Europe litigation was conducted as skillfully as at York or Bristol, and that the picture of an oafish frontier jurisprudence is a mirage of writers who have never blown the dust from indictment, pleading or judgment roll.

Goebel's theory is more persuasive to me than the theory of an indigenous and primitive law. It allows for the fact that emigrants carry their minds with them. Continuing to do justice by familiar methods was more probable than inventing a mass of novel rules and processes after arrival in America. Goebel speaks after making a comprehensive and careful study of court records, first at Plymouth and then in New York. In the Massachusetts Bay Colony, John Winthrop had been Recorder (judge) in the local court of the town of Norwich. Interesting parallels between the Mayor's Court in New York City and the Mayor's Court in London have been brought out by Richard B. Morris of Columbia.[5]

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[1] Goebel, "King's Law and Local Custom in Seventeenth Century New England," 417.

[2] *Ibid.*, 420. [3] *Ibid.*, 448.

[4] Julius Goebel and T. R. Naughton, *Law Enforcement in Colonial New York: A Study in Criminal Procedure (1664–1776)* (New York, Commonwealth Fund, 1944), xxvi.

[5] Morris, *Select Cases of the Mayor's Court of New York City, 1674–1784.*

Yet before we conclude that a predominant portion of colonial law can be thus explained, we need to learn more about what went on in the English local courts and also to widen the comparison to include a greater number of colonial courts. For instance, I have some misgivings whether Plymouth was typical. Methods which adequately handled affairs in this small and simple colony may not have sufficed in the Bay Colony or Virginia. Moreover, it is not enough to show that the colonists handled small disputes in the same way that Englishmen handled small disputes. The real question is what was done in America about big litigations and serious crimes, which in England went to the King's courts and were governed by the common law.

Whatever the extent of colonial borrowings from the local English sources described by Goebel, several reasons make me conjecture that the common law was also an important element for a long time before Independence, even if not at the very beginning. In view of the assertions in the early state constitutions and statutes about "the common law of England," Goebel like Reinsch has to presuppose a sharp break between two systems of law. At what date did the English common law replace English local law in the colonies? Why is it that nobody appears to remember this significant event? Furthermore, it would have been very hard for the settlers to take over only a portion of English law from subordinate local courts and insulate themselves from the output of the King's courts. In England the local courts had no independent existence; they existed alongside the King's courts, which could control them.

It would be interesting to examine the textbooks about local procedure used in the colonies and see how extensively these bring in common-law rules as overriding. In any case, the colonists consulted treatises like Coke's *Institutes* which were permeated with decisions by the King's courts. And they must have relied on these decisions for safeguards of fundamental liberties, like the writ of habeas corpus before the Act of 1679.[1] Finally, even if the colonists desired to ignore the common law, the royal officials in England were sure to invoke it in important affairs. Goebel's theory seems a bit like drinking only the vermouth in a well-mixed Martini and avoiding the gin.

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[1] See page 134, note 2.

SUGGESTIONS LOOKING TOWARD A SOLUTION OF THE PROBLEM

It is too soon to enunciate any definite conclusion about the three contesting theories. More of the considerable materials already in print need to be subjected to a critical examination by scholars, so as to ascertain the sources of the law applied in a given colony at a given time.[1] And more court manuscripts need to be published by editors who have this problem constantly in mind.

When this process is farther advanced, we may find that all three theories are partly true. It may turn out that Winthrop and Penn and the rest brought over the common law as a body of principles, and not as the mass of case-law which Story knew; that it was always binding on the settlers, but required to be supplemented from other sources of unwritten law in order to meet their increasingly complex needs, with which local legislation could not possibly keep pace. Reinsch and Goebel and other critics of Story have supplied valuable information about these auxiliary sources of colonial law, but have perhaps exaggerated their importance and underestimated that of the common law. According to this surmise, there was no "reception" of the common law in the colonies. It was there from the start in some form, yet not the same form. I think of it as an outline map which was gradually filled in as the growth of law libraries and serious legal students brought more and more case-law and detailed doctrines from England. Law was a function of law-books.

Such a developing common law would naturally play an increasing part in the administration of justice outside the scope of colonial statutes and it would tend to displace whatever existed of homemade law or English local law. The long process can be considered at an end when the records show judges and lawyers in an American court reasoning and using precedents like their contemporaries in an English court. Yet something may still remain of the factors stressed by Reinsch and Goebel, especially in petty litigation and in situations where English rules of action are plainly unsuited to American conditions. Also new factors alien to the common law may appear, for example, the continental law which lawyers began studying in the

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[1] Under the auspices of the Ames Foundation at Harvard Law School, our fellow-member, Mark D. Howe, is supervising the preparation of a check-list of printed sources for court proceedings in New England before 1800.

Revolutionary period or the civil-law doctrines prevailing in territories annexed from France or Mexico.

This surmise may be called the synthetic-rubber hypothesis because it endeavors to combine several elements with an elastic common law. If this hypothesis serves as a useful starting-point for future inquiries into American legal history during the seventeenth and eighteenth centuries, then an investigator can no longer be content with assembling data in support of a single monopolistic factor which he happens to favor, and grudgingly conceding a little influence to other factors. Instead, he will search for the existence of several possible factors—generalized common-law principles; English case-law; English local law; English legal reforms during the Cromwellian period;[1] homemade law, with specific reference to colonial conditions; continental law. He will endeavor to determine the relative weight of each factor, and judge whether its trend is upward or downward. He will look for the emergence of a new factor and note the signs of approaching death in an old factor. These are all phases of the central problem, the relations and divergences between the judicial process in England and in English-speaking North America.

It may be helpful to future investigators if I conclude by describing one concrete line of inquiry which is likely to prove fruitful.[2]

Since law is a function of law-books, as I have just said, scholars need more information about books on English law which were owned in the colonies. Carlyle defined a university as a great collection of books, and the same may be said of the common law when it takes the form of a system of case-law and detailed doctrines. Until very many books were available to colonial courts and lawyers, the common law must have mainly stayed a body of general principles. The law grew as law libraries grew.

The desired information about colonial law-books will have to be found in many different places. A considerable number of legal treatises were printed in America, of which Eldon R. James compiled a useful list.[1] Still, only twenty-three books appear on it as printed here before 1765. Most treatises and all reports of decisions in English courts had to come from England. Occasionally we have official proof of overseas purchases. Thus the General Court of Massachusetts voted in 1647 to buy two copies of Coke on Littleton, Coke on Magna Carta, Coke's Reports, Book of Entries, New Terms of the Law, and Dalton's Justice of the Peace.[2]

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[1] See R. Robinson, "Anticipations under the Commonwealth of Changes in the Law," *Select Essays in Anglo-American Legal History*, I. 467, written in 1869 or 1870.

[2] Several other interesting questions, such as the reasons for the late use of judicial opinions in this country, are suggested in Chafee, book review, *Harvard Law Review*, LVII (1944), 399.

In the court records, law-books are sometimes cited in the arguments for the litigants. The Suffolk County Court Records, 1671–1680, are meagre in this respect, mentioning only Coke on Littleton and a volume combining the treatises of Malynes and Marius on the Law Merchant.[3] By contrast, the Delaware cases a century or so later have frequent citations of treatises,[4] which indicate well-stocked law libraries. Eighteenth-century Delaware lawyers were evidently investing heavily in books imported from England, either directly or through Philadelphia booksellers.

If the accounts of booksellers in the colonies were examined by scholars, they might tell us a good deal about law-books which were sold. Those of English booksellers exporting to America would also be rewarding. Lists of subscribers printed in English law-books could be checked for American names. Thus we know that Chief-Justice De Lancey of New York was among the original subscribers to Viner's *Abridgment*.[5]

Some libraries of colonial lawyers are still extant, and we have lists of what was in others. Old law-books in university libraries and bar libraries may have the names of colonial owners inscribed on their flyleaves.[6]

Out-of-the-way sources may prove helpful. Commonplace books of lawyers like Jefferson naturally refer to their reading. Private letters may mention the purchase or use of law-books.[7] Law-books, besides aiding litigation, can also create litigation. Thus a Providence merchant in 1741 sued a lawyer for not returning six specified law-books which he was alleged to have for safe keeping. The lawyer won by convincing the court that he had bought the books.[1] Finally, colonial wills and inventories of estates might be carefully examined for mention of law-books.

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[1] Eldon R. James, "A List of Legal Treatises Printed in the British Colonies and the American States before 1801," *Harvard Legal Essays: Written in Honor of and Presented to Joseph Henry Beale and Samuel Williston* (Cambridge, 1934), 159–211.

[2] *Massachusetts Bay Records*, II. 212.

[3] *Records of the Suffolk County Court, 1671–1680*, I. xxx.

[4] Chafee, book review, *Harvard Law Review*, LVII (1944), 420–421.

[5] Goebel & Naughton, *Law Enforcement in Colonial New York*, xxxviii.

[6] *Ibid.*

[7] See *ibid.*, xxxvi, for an example.

In ending this discussion of court records before a gathering of historians, I want to stress the great value of such records as a source for social history. Frequent use has been made by American historians of litigation on constitutional and political issues, like the case of Peter Zenger and the controversies over writs of assistance, but what I have in mind is less spectacular. Law-suits about contracts and private wrongs and criminal prosecutions for small offenses often tell a great deal about the way men and women lived and the transactions they carried on.[2] Sometimes matters are so much taken for granted that contemporary writers think them not worth mentioning, and yet we of a later age are eager to know about them. If such matters get into a court, they have to be set forth in considerable detail. Consequently, if the historian has the endurance to dig the nuggets out of the legal dust, he can sometimes get facts out of court records which it would be hard to find elsewhere.

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[1] Chafee, "Records of the Rhode Island Court of Equity, 1741–1743," *Publications of the Colonial Society of Massachusetts,* xxxv, 91 at 100 (1951).

[2] For samples, see the discussion of Puritan sexual relations in the introduction to Chafee & Morison, *Records of the Suffolk County Court,* I. lxxxiii–lxxxvii; the discussion of social and economic conditions in eighteenth-century Delaware in Chafee, book review, *Harvard Law Review,* LVII. 401–407; and the cases about colonial doctors in Chafee, "Records of the Rhode Island Court of Equity, 1741–1743," 103–108.

The Doctored Letters of John Adams

By CHARLES WARREN[1]

THAT July the Fourth became known and celebrated as Independence Day is a curious accident in American history; for it is clear that the date on which the colonies actually declared their independence was the day on which Congress voted to adopt the resolution drafted and introduced on June 7, 1776, by Richard Henry Lee, of Virginia, and vigorously supported by John Adams, as follows:

> *Resolved:* That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.
>
> That it is expedient forthwith to take the most effectual measures for forming foreign Alliances.
>
> That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

The date of adoption was July 2, 1776, and not July 4.

It was this action which was recognized at the time by the newspapers and other contemporary records as constituting the effective declaration and proclamation of independence. Thus, Charles Marshall in Philadelphia wrote in his diary: "This day the Continental Congress declared the United States Free and Independent States."[2] The *Pennsylvania Post* on the very evening of July 2 published the following: "This day the Continental Congress declared the United Colonies Free and Independent States."[3] The New York newspapers copied this item on July 8, and the New England papers by July 11. And it was this date (July 2) which John Adams believed would be the date always to be celebrated in the future by Americans. For on the morning of the day after (July 3), he wrote to his wife, Abigail Adams, a long letter—answering one which, while staying as a guest in the Plymouth home of General James Warren and his wife, she had written to him. After long reference to the news in her letter, also to the declination of General Warren to accept appointment on the Massachusetts Supreme Court, Adams wrote:

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[1] This paper was read at the October, 1946, meeting.

[2] Elbridge Gerry wrote to James Warren on July 2, 1776, that: "Yesterday was agitated in Congress the great question of Independency; and as the facts are as well known at the Coffee-House of the city as in Congress, I may go on to inform you that, in a Committee of the whole House, it was carried by nine Colonies." John H. Hazelton, *The Declaration of Independence: Its History* (New York, 1906), 470, note 25; 471, note 31. The *Virginia Gazette*, June 21, 1776, said: "Monday the 1st of July is fixed upon to decide the grand question of American Independence in General Congress."

[3] See Hazelton, *Declaration of Independence*, 166, for facsimile. The *Pennsylvania Gazette*, July 3, 1776, said: "Yesterday the Continental Congress declared the United Colonies Free and Independent States"; see also *New-York Gazette and Weekly Mercury*, July 8,

> Yesterday, the greatest question was decided which ever was debated in America, and a greater, perhaps, never was nor will be decided among men. A Resolution was passed without one dissenting Colony "that these United Colonies are, and of right ought to be, free and independent States, and as such they have, and of right ought to have, full power to make war, conclude peace, establish commerce, and to do all other acts and things which other States may rightfully do." You will see, in a few days, a Declaration setting forth the causes which have impelled us to this mighty revolution, and the reasons which will justify it in the sight of God and man. A plan of confederation will be taken up in a few days. . . .

Later in the evening of the same day (July 3), Adams wrote again to his wife a further letter, in which, after commenting on the fact that the declaration ought to have been adopted seven months earlier, he said:

> But the day is past. The second day of July, 1776, will be the most memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward forevermore.
>
> You will think me transported with enthusiasm, but I am not. I am well aware of the toil and blood and treasure that it will cost us to maintain this Declaration and support and defend these States. Yet, through all the gloom, I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means. And that posterity will triumph in that day's transaction, even although we should rue it, which I trust in God we shall not.[1]

1776; the *New-England Chronicle* stated, July 11, 1776: "We are assured that on July the second the Congress voted for Independency, not one Colony dissenting, but the Delegates of New York remained neuter for want of being instructed on the head."

[1] *Familiar Letters of John Adams and His Wife Abigail Adams During the Revolution* (New York, 1876), 191 and 193–194. It is to be noted as a singular fact that Adams did

On the same day, Adams wrote to Mrs. Polly Palmer, a relative of Mrs. Adams, a letter in which he said: "I will inclose to you a Declaration, in which all America is remarkably united. . . . It compleats a Revolution, which will make as good a Figure in the History of Mankind, as any that has preceeded it.—provided always that the Ladies take Care to record the Circumstances of it, for by the Experience I have had of the other Sex, they are either too lazy, or too active, to commemorate them."[1] The subsequent history of these famous letters, and the extraordinary tale of the manner in which they were doctored and their language altered by a friend of Adams, thirty years later, has never been described in detail and makes an interesting footnote to American history.

The important portions of the two letters of Adams to his wife were published (apparently for the first time) in *The Universal Asylum and Columbian Magazine* in May, 1792.[2] Parts of them were reproduced from the magazine in the *Gazette of the United States* in Philadelphia, July 4, 1792, which stated: "Sixteen years experience have verified the predictions contained in the following extract of a letter, dated July 3, 1776, written by John Adams, a principal agent

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not quote the resolution in the exact wording as passed, which was: "that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

[1] William Brotherhead, *The Book of the Signers* . . . (Philadelphia, 1861), 104. It is not clear whether the "Declaration" enclosed was a copy of the vote of the Congress of July 2, or a copy of some written draft of Jefferson's "Declaration," then being discussed in Congress but not adopted at the date of this letter of July 3. It is known that Adams had already made a written copy of Jefferson's Declaration, which copy is now in the Massachusetts Historical Society. It would appear that he sent this copy to his wife; for she wrote to him on July 14, 1776: "By yesterday's post, I received two letters dated 3d and 4 of July. . . . I cannot be sorry that some of the most manly sentiments in the Declaration are expunged from the printed copy. Perhaps wise reasons endorsed." Hazelton in *Declaration of Independence*, 349, says as to this letter: "It is not clear from this whether Adams enclosed a printed copy." But as the Declaration was not printed until July 6, it seems that it must have been his written copy, which Mrs. Adams could have compared with a printed copy which was received in Boston on July 13. The letter of July 4 does not seem to be extant now.

It is to be noted that Adams wrote to Mrs. Adams on July 7: "I have this Moment folded up a Magazine, and an Evening Post and sent it off, by an Express, who could not wait for me to write a single Line." See Hazelton, 550, note 6. This *Evening-Post* must have been that of July 6, containing the first publication of the Declaration.

[2] See reference in Richard Frothingham, *The Rise of the Republic of the United States* (Boston, 1873, 2nd edition), 554. In 1792, it was evidently not known that the letters were addressed to Mrs. Adams, for they were printed with the prefix "Sir."

in the great work, and now Vice-President of the United States. (See Universal Museum, for May, 1792)."

The letters did not become generally known, however, until on July 1, 1795, when the *Columbian Centinel* in Boston published a letter signed "An American," pointing out that in reality July 2 should be celebrated and not July 4:

> The *fourth* of July is the day, which Americans have hitherto celebrated as the anniversary of their independence; but I incline to think it ought rather to be the *second* day. It is true that the declaration was published in Philadelphia, on the *fourth*, but the glorious and memorable resolution was passed in Congress on the *second;* as will appear . . . from Mr. John Adams *(now Vice-President of the United States)* to a friend, dated, *Philadelphia, July 3d,* 1776. [Here were published the extracts from Adams's letters.] The above furnishes sufficient evidence, that it is the *second,* and not the *fourth* of *July,* which of right ought to be celebrated as the day of *American Independence;* and as a friend of propriety, I could wish to see the alteration take place.

The Adams letters of July 3, 1776, were not again brought to the attention of the public until June 23, 1804, when the extracts noted were published by the *Columbian Centinel* in a letter to the editor, Mr. Russell, signed "Seventy-Six." This letter, evidently written by an ardent Federalist and opponent of Thomas Jefferson, was intended to emphasize the part played by Adams in connection with Independence. From 1788 to the election of Jefferson as President in 1801, the celebration of the Fourth of July had become pre-eminently a Federalist one—with Federalist orators and Federalist toasts—by whom the name of Jefferson was never mentioned in connection with the Declaration. After 1801, the Anti-federalists centered their celebrations of the Anniversary around the name of Jefferson. It was to counteract this, that "Seventy-Six" pointed out that the really important fact was the vote of July 2 declaring independence and *not* the Declaration drawn up afterwards by the Committee on which both Adams and Jefferson were members. The letter was as follows:

> The friends of the Washington and Adams administrations, have no new *stimulus* to excite them to a due celebration of *Independence.* Every page of the history of our country, since 1776, will shew their zeal, gratitude, and fidelity. The democrats never gave any proofs of *their* attachment to Independence, until since Mr. Jefferson has been elected President.—And now *they* come forward with all the fury of converts; and pretend that Mr. Jefferson is intitled, almost exclusively, to the credit of the declaration.—We have no evidence of

the fact, but their bare word; which will go but little way. I will admit, that Mr. Jefferson was of the Committee of Congress, appointed after the subject had been fully discussed in Congress, *and the Great Question decided,* to draw up the *Declaration* of that decision.—But it is also a fact, that Mr. John Adams—who is now so much calumniated by the Jeffersonian party—was also of the Committee;—and must have had his voice in the Instrument.—But he has given more positive evidence of his agency in the affair;—as will appear by the following letters to a friend;—

At this point, there were inserted the two passages, one beginning "Yesterday the greatest question was decided," and the other, "The day is passed," from the two letters of John Adams to his wife (with several verbal misquotations). And the letter of "Seventy-Six" then continued:

> Here is better evidence that John Adams was an efficient agent in this glorious work, than any thing which can be drawn from the adventitious circumstance of penning a bill, after the principles have been decided upon, the necessity demonstrated, and the causes detailed.
>
> Besides the respected name of John Adams, it ought to be reminded, that the Declaration was also signed by Robert Treat Paine, so often abused and calumniated in the *Chronicle;* by Oliver Wolcott whose financial administration has been villified by Duane, and other Presidential hirelings; by George Ross, whom the democratic presses have loaded with abuse; and by Samuel Chase, against whom all the phials of democratic persecution had been poured out. In this manner have the real patriots of America been treated by the mushroom celebrators of American Independence.

Three days later, on Monday, June 25, 1804, the Anti-federalist newspaper in Boston, the *Independent Chronicle,* commented on the Adams letter (which it erroneously assumed had been written to General James Warren):

> Mr. John Adams's letter to the Hon. James Warren, was published again in last Saturday's *Centinel.* At the time that letter was written, these gentlemen agreed perfectly; they were most intimate, and professed the highest esteem and friendship for each other. Now, it is a fair question, whether the writer or his correspondent has deserted the good old cause, in principle and practice, which then bound them together? It is certain till Mr. Adams went to the Court of St. James's these revolutionary Patriots never disagreed in a single point.—Let Mr. Adams's friends say, what has dissolved this friendship since.

The next year, July 3, 1805, the passage in Adams's letter of July 3, 1776, predicting future celebrations of the action of Congress on

July 2, and beginning with the words, "It will be *a memorable epocha*," was reprinted in the *Columbian Centinel* with a preface: "The following sentiments were expressed by our late illustrious President on this glorious occasion, in a letter to a friend dated *Philad.* July, 1776," —no exact date being inserted.

At this point in the story, a remarkable change took place in Adams's letter when it was republished in another Boston paper devoted to the Adams faction in the Federalist party—the *Boston Gazette*—which in its issue of July 4, 1805, stated: "The following Letter, by the late President of the United States, deserves to be read at least once every year, whilst the memory of Independence shall be grateful to the Americans"; and it then reprinted the Adams letter but with the following extraordinary change—it altered the date of the letter from July 3 to July 5, so that the word "yesterday" apparently referred to July 4, and the Declaration of Independence, instead of to July 2 and the vote of Independence by Congress on that date; and it deliberately altered the text so that it read: "The day is passed.—The Fourth day of July 1776, will be a memorable epocha in the history of America," instead of the "second of July" as the original was written; and it printed the letters as being addressed to "Mr. ———." These changes in the date of his letters were evidently made by a friend of John Adams who wished to give more prominence to his connection with the Declaration. The increase of praise for the part played by Jefferson had evidently irritated Adams himself, as appears in a letter from him to his friend, Dr. Benjamin Rush, in Philadelphia—one of them written just at this time, September 30, 1805, in which he wrote: "Was there ever a Coup de Theatre that had so great an effect as Jefferson's penmanship of the Declaration of Independence?"[1]

No publication in full of the two letters of John Adams of July 3,

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[1] See letters in catalogue of the auction sale of the Alexander Biddle Papers in New York City in 1943. Adams to Dr. Benjamin Rush, June 21, 1811: "The Declaration of Independence, I always considered as a theatrical show. Jefferson ran away with all the stage effect of that, i.e. all the glory of it."

See also *Works of John Adams* (1854), VI. 277–278. Adams wrote in a note to his "Discourses on Davila": "The declaration of independence of 4 July, 1776, contained nothing but the Boston declaration of 1772 and the congress declaration of 1774. Such are the caprices of fortune. This declaration of rights was drawn by the little John Adams. The mighty Jefferson, by the declaration of independence of 4 July, 1776, carried away the glory of the great and the little." (278*n.*)

1776, was made until on July 3, 1819, the *Columbian Centinel* published them with the following preface: "We know not—on this eve of our great National Anniversary—of an offering more interesting and more worthy, than the following authentic articles." Then followed a letter from Judge Thomas Dawes of Boston:

> Mr. Editor—Some years ago having seen in your paper a brilliant paragraph from a letter of the Hon. John Adams to a *Friend*, not however for the first time, it having appeared before on many a Fourth of July, I was curious to learn from its venerable author who was that *Friend*, and also such anecdotes concerning the subject of the letter as he might be willing to communicate. He gratified my curiosity with his accustomed energy on a transaction in which he had taken so distinguished a part. After the death of Mrs. Adams, the accomplished *Friend* to whom the letter was addressed, he was pleased to send me a copy of it, and of another written to her on the same third of July. It is probable that after the loss of such a companion a review of their epistolary correspondence brought to his recollection the inquiries I had made, and the subsequent conversation, though years had elapsed. These letters I present to the public, but not without permission; believing that they will be read with much interest on the Forty-Third Anniversary of the great event which they announced.

The letter transmitted by Dawes was the following reply sent to him by John Adams:

> Respected and beloved Judge Dawes, Inclosed are copies of two letters written by me to my Wife, one in the morning the other in the evening of the 3d of July, 1776, the day after the vote of Independence was passed in Congress. An extract of one of them has been published in the newspapers. Once on a time upon my stony field hill, you interrogated me concerning that extract in so particular a manner that I thought you felt a tincture of pyrrhonism concerning its authenticity. If you have still any doubts I will show you the original letters, in my hand writing, whenever you will do me the honour of a visit to Quincy. In those days my principal correspondent was my wife, who was then surrounded by many of the principal politicians of the age, such as Gen. James Warren, of Plymouth, and his lady, Dr. Cotton Tufts, of Weymouth, my brother, Richard Cranch, of Braintree, and Gen. Joseph Palmer, of Germantown, and many others, who were constantly enquiring of her the news from Congress. Whatever related merely to public affairs, she read to them, or suffered them to read.
>
> I am, Sir, with perfect esteem and sincere affection, your friend and humble servant, John Adams.

With this correspondence, there were printed, for the first time in full, the two letters of Adams to his wife, and with the correct date of July 3, 1776.

Though it was thus specifically stated by Adams that these letters were written by him on the third of July, 1776, the *Independent Chronicle,* two days later, on July 5, 1819, published that portion of the letter which predicted how the event should be celebrated, and deliberately changed the date to July 5, 1776, just as the *Boston Gazette* had done in 1805, and stated: "The following letter was written by Hon. John Adams on the 5th of July 1776, the day after the passage of the memorable Declaration of Independence."

The next year, the *Columbian Centinel* of July 8, 1820, tried to clear up the confusion caused by this deliberate alteration of date by stating:

> The letter of the Hon. John Adams, which has so often been published, . . . and which was so prophetic of the manner in which the event would be celebrated in after ages, was written and dated in Philadelphia, July 3d, 1776:—But the Declaration of Independence having been passed the 4th day of July, that year, it was thought to have been dated *before* the event it announced had occurred, and it has been altered and published, as having been written on the 5th of July. The Democratic Press of Philadelphia, has shown from the Journals of Congress, that the first date was correct; and has given the following history of the progress of the Resolution and Declaration of Independence through that body.

The Congressional Resolution of July 2 was "the proceeding which Mr. Adams announced in his letter, which proves that his letter was written the 3d and not the 5th July."

Notwithstanding this correction, the *Independent Chronicle,* in its issue of July 6, 1822, proceeded to repeat the false date; and not content with doing so, it again deliberately altered the text by stating: "The people of Massachusetts have never been backward in obeying the injunction of their venerable and beloved fellow citizen, John Adams, who in 1776, a few hours after the adoption of the Declaration of Independence wrote to a friend in the following language, 'Phil. July 5, 1776. Yesterday the greatest question, etc. etc. . . . The Day is Past. The 4th of July 1776 will be a memorable epocha'. . . ." Adams, of course, had written in the text of his letter—the "2d of July." Having paid this tribute to Adams, the editor printed the Declaration of Independence in full—"the offspring of that mighty mind, Thomas Jefferson, a patriot honest and distinterested, a republican upright, inflexible and consistent—the man whom the calumnies of British pensioners and profligate politicians serve only to fix more firmly in the affections of his fellow citizens." Two years later, July 7, 1824, the *Independent Chronicle*, repeated the alteration of the date.

By these repetitions, the false date and text of the Adams letter gradually became set in the minds of the general public, and they became convinced that Adams's prophecy related to the celebration of the 4th of July. The mistake became still more firmly imbedded when on the Fiftieth Anniversary of the Declaration, in 1826, the very day of Adams's death, both of the leading Boston papers—Federalist as well as Republican—repeated the false date. The *Columbian Centinel*, July 5, 1826, said:

> Fifty years ago, the venerable Sage, who is now living in our vicinity to witness and to participate in spirit in the jubilee, wrote, with the spirit of the Patriots of that day, and the prescience of a Seer:
>
> The anniversary of the Fourth of July, 1776, "ought to be commemorated, as the day of deliverance, by solemn acts of devotion to Almighty God. It ought to be solemnized with pomp, shows, games, guns, bells, bonfires, and illuminations, from one end of this Continent to the other, . . ."
>
> The duty prescribed by the Sage has been religiously performed, and his anticipations fully realized. On this day solemn acts of devotion to Almighty God are offering from thousands of altars, and the most talented citizens are among the Priests who officiate at them.

And the *Independent Chronicle*, July 4, 1826, repeated its statements of 1819, 1822, and 1824, to the effect that the Adams letter was written in July "on the day subsequent to the adoption of the Declaration of Independence by the Continental Congress."

After the death of Adams and Jefferson on July 4, 1826, *Niles' Weekly Register*, a magazine with a national circulation, published in Baltimore, gave widespread currency to the myth as to Adams and the Fourth of July by reprinting the extracts, probably from the *Independent Chronicle*, with the false date and false text, and many verbal inaccuracies.[1] As late as 1846, Daniel Webster gave further currency

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[1] There was no excuse for this mistake on the part of the Editor, Hezekiah Niles, for in a book compiled by him in 1822 entitled *Principles and Acts of the Revolution in America*, he had reproduced in full the correspondence between Thomas Dawes and John Adams containing the correct date and text. The title page of this book is of curious interest:

"*Principles and Acts of the Revolution in America:* or, An Attempt to Collect and Preserve some of the Speeches, Orations, and Proceedings, with Sketches and Remarks on Men and Things, and other Fugitive or Neglected Pieces, belonging to the Revolutionary Period in the United States; which, happily, terminated in the Establishment of their Liberties: with a view to represent the Feelings that Prevailed in the 'Times that Tried Men's to the Adams letter as written "the day after the Declaration."[1]

In 1854 the letters were republished in full under date of July 3, 1776, by Charles Francis Adams in his edition of the *Works of John Adams* (Volume IX). He made no attempt to call attention to the fact of the repeated alteration of the date.

It was not until 1876, just a century after the letters were written, that Charles Francis Adams in editing his *Familiar Letters of John Adams and His Wife Abigail Adams During the Revolution*, cleared up the mystery of the altered date.[2] And what was the solution? It was that a nephew of the wife of John Adams, William Smith Shaw, at some time prior to his own death in 1826, had deliberately made the alteration "thinking that a slight alteration would fit them for the taste of the day and gain for them a higher character for prophecy than if printed as they were." And though the editor stated that the public had been made aware of these alterations, it is clear now from the above record of conflicting newspaper statements, that in fact the public had *not* been made so aware.

Souls,' to excite a love of Freedom, and lead the People to Vigilance, as the Condition on which it is granted.

To the Young Men of the United States, this volume of Revolutionary Papers, Speeches, etc. is, respectfully, dedicated; in the hope That they may be encouraged to adhere to the simplicity of Truth, as set forth by the Principles and Acts of their Fathers, and emulate the noblest deeds when the Liberties of their Country are endangered, by Foreign Enemies or Domestic Encroachments, in that the Blessings which these Patriots won may descend to Posterity, and our Republic forever continue to be the pride of Humanity, and an Asylum for the Oppressed of All Nations: By their sincere friend."

[1] *Works of Daniel Webster* (Boston, 1851), I. 149, letter of January 22, 1846.

[2] *Familiar Letters*, 193*n*. "The practice has been to celebrate the 4th of July, the day upon which the form of the Declaration of Independence was agreed to, rather than the 2d, the day upon which the resolution making the declaration was determined upon by the Congress. A friend of Mr. Adams, who had during his lifetime an opportunity to read the two letters dated the 3d, was so much struck with them, that he procured the liberty to publish them. But thinking, probably, that a slight alteration would better fit them for the taste of the day, and gain for them a higher character for prophecy, than if printed as they were, he obtained leave to put together only the most remarkable paragraphs, and make one letter out of the two. He then changed the date from the 3d to the 5th, and the word second to fourth, and published it, the public being made aware of these alterations. In this form, and as connected with the anniversary of our National Independence, these letters have ever since enjoyed great popularity. The editor at first entertained some doubt of the expediency of making a variation by printing them in their original shape. But upon considering the matter maturely, his determination to adhere, in all cases, to the text prevailed. If any injury to the reputation of Mr. Adams for prophecy should ensue, it will be more in form than in substance, and will not be, perhaps, without compensation in the restoration of the unpublished portion. This friend was a nephew, William S. Shaw. But the letters had been correctly and fully printed before. See Niles's *Principles and Acts of the Revolution*, p. 330."

And who was this man who thus issued a forged document to the American public? This William Smith Shaw was born in 1778, graduated from Harvard College in 1798, was private secretary to his uncle, John Adams, from 1798 to 1800, admitted to the Bar in 1804 and appointed clerk of the United States District Court in 1806. And now comes the astonishing fact that his act in changing the date of the letters and thus manufacturing false history was committed while he was a member of the Massachusetts Historical Society (1805–1826) in which he held the office of Librarian from 1806 to 1808. Standards of propriety in history have changed, and for the better.

The Washington Theme in American History

By Curtis Putnam Nettels[1]

The leading trend at the present time in historical studies concerning George Washington, if it may be called a trend, is one of neglect. By historical studies is meant such treatments as meet the standards of trained historians and conform to the principles of historical method as they are taught in the university graduate schools. The term is taken also to mean surveys or analyses of some breadth and scope, not merely textual criticisms of individual documents or elucidations of minor points. One has in mind studies that consider Washington in relation to the people, ideas, conditions, problems, and general situations of the times in which he lived. The professional historians have ignored him to the point that he is rapidly becoming the forgotten man of American history. And, because he held the central place in the events of his time, 1774–1797, the failure to consider his activities and influence has resulted in the neglect of a period of crucial importance. His influence during those years resembled that of Franklin D. Roosevelt between 1933 and 1945. To study the age of Washington with Washington left out is like studying the New Deal without reference to the late President Roosevelt.

Four evidences of the prevailing neglect of Washington by professional historians will serve to illustrate the contention that has just been made. In the fifty volumes of the *American Historical Review* that have been published from its inception to the end of 1945, there appears only one article on Washington written by an academic historian—an eighteen-page commentary by Professor Samuel F. Bemis on the Farewell Address.[2] The résumés of the annual meetings of the American Historical Association show that between 1897 and 1945 not a single paper dealing principally with the Washington theme was presented at any of the program sessions.[1] In 1941 a canvass was made of about seventy-five American historians for suggestions as to subjects for program sessions for the annual meeting of the Association. Of the hundreds of proposals that were received not one pertained mainly to Washington.[2] The list of historical subjects under investigation in 1939, as published by the Association, gives only one Washington study then under way, and that one has since been abandoned.[3]

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[1] This paper was presented by title at the May, 1946, meeting.

[2] "Guide to the American Historical Review, 1895–1945," Franklin D. Scott and Elaine Teigler, Editors, *Annual Report of the American Historical Association for the Year 1944* (Washington, 1945), I. 141–142, 149, 158–159, 176, 195–196, 199–222. For Professor Bemis, see *ibid.*, 216.

The present neglect of Washington is emphasized for a special reason. An effort to account for the neglect leads one over the whole field of Washington historiography and touches upon many trends in Washington studies that have manifested themselves during the past hundred and fifty years.

I

In order to understand the present neglect of Washington, it seems necessary to consider briefly what happened to his name and the memory of his work during the sixty-two years between the time of his death and the beginning of the Civil War. Everyone knows that during those years Washington became the leading symbol of the young republic. The American people were for the most part nationalistic, confident of their destiny, and devoted to their experiment in popular government. The young republic, however, had behind it only a limited body of tradition to provide a basis in past achievement for their faith in the then present and future. That tradition centered in the age of Washington. Such tradition was most effectively vitalized and popularized by associating it and identifying it with the person of one man.[4] Such a hero, in his life and achievements, must embody the virtues to which the people aspired and which they wished to believe were possessed by the nation as a whole: courage, honesty, steadfastness, endurance, strength, integrity, patriotism, self-control, devotion to duty, unselfishness, generosity, tenacity, and magnanimity. The choice of Washington for the rôle of national hero was the most natural thing in the world. He had occupied the central place in national affairs for a period of nearly twenty-five years—a record unrivaled by any of his contemporaries, and one that is unmatched even today, in the 170 years of the nation's history. The main things for which he had provided leadership had succeeded: the war, the Constitutional Convention, the new government. Whatever his personal limitations, his character did embody the primary virtues that were attributed to him. There is every reason to suppose that he had envisaged for himself an exalted place in history as the founder of a great nation, that he had subordinated petty personal considerations to the cause of establishing a new country which might offer a new hope to mankind, that he had exerted himself unceasingly in arduous labor in order to attain that end and to win for himself immortal renown.

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[1] The Scott-Teigler "Guide," 98–107, gives references to the résumés which are printed in the *American Historical Review*.

[2] The canvass was made by me as chairman of the Program Committee for the 1941 meeting of the American Historical Association.

[3] Supplements to the *American Historical Review*, XLV (April, 1940), 32; XLI (April, 1941).

[4] For an interesting comment on early hero worship of Washington, see Paul Leicester Ford, *George Washington* (Philadelphia, [n. d.]), 5–6. In James Fenimore Cooper's *The Spy* (New York, 1821), Washington moves among the characters "like an unsuspected god." *Cambridge History of American Literature* (3 volumes, New York, 1943), I. 295.

> Fame is the spur that the clear spirit doth raise
> (That last infirmity of noble mind)
> To scorn delights and live laborious days.

"I have pondered," said Lincoln in his Philadelphia speech, on Washington's birthday, in 1861, "over the toils that were endured by the officers and soldiers of the army who achieved . . . [our] independence. I have often inquired of myself what great principle or idea it was that kept this Confederacy so long together. It was . . . that sentiment in the Declaration of Independence which gave liberty not alone to the people of this country, but hope to all the world, for all future time. It was that which gave promise that in due time the weights would be lifted from the shoulders of all men, and that all should have an equal chance."[1]

It is not necessary to dwell long on those early writers who first presented Washington to his countrymen in the dimensions of a hero. In 1800 the self-styled "former rector of Mount Vernon," Parson Mason L. Weems, gave birth to that literary curiosity and pious romance known as *The Life of Washington.* It provided a picture of a saintly hero which appealed to the instincts of simple religious people who liked to take their history in story and fable.[2] Then followed the lives by John Marshall[1] (1804–1807), Jared Sparks[2] (1837), and Washington Irving[3] (1855–1859). Federalist writers, like Marshall and Richard Hildreth[4] (1849–1852), found in the great Federalist a congenial subject; historians with democratic views, like Bancroft,[5] eulogized Washington for his contributions to the founding of the nation and the establishment of popular government. All pens wrote with reverence and veneration. They portrayed the "stately hero . . . with all his great deeds as general and president duly recorded and set down in polished and eloquent sentences; and we know him to be very great and wise and pure. . . ."[6]

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[1] *Abraham Lincoln: Complete Works,* John G. Nicolay and John Hay, Editors, (New York, 1902), I. 691.

[2] See the accounts of Washington's marriage, death, and entrance into heaven, in Mason L. Weems, *The Life of Washington* (Philadelphia, 1834), 54–55, 168, 170–171.

The early biographers did not create the image of the hero; they merely recorded and perpetuated it. The need of a personal symbol of things American had been felt during the Revolutionary War, and Washington quickly came to personify the American cause. The process of glorifying him probably began when the New England delegates in Congress wrote glowing tributes in his honor to the people at home, doubtless in order to prepare a favorable reception for him when he should arrive to take command of the troops at Cambridge.[7]

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[1] "No man has ever appeared upon the theatre of public action, whose integrity was more incorruptible, or whose principles were more perfectly free from the contamination of those selfish and unworthy passions, which find their nourishment in the conflicts of party." John Marshall, *The Life of George Washington* (2 volumes, Philadelphia, 1832), II. 447.

[2] "If the title of great man ought to be reserved for him, who cannot be charged with an indiscretion or a vice, who spent his life in establishing the independence, the glory, and durable prosperity of his country, who succeeded in all that he undertook, and whose successes were never won at the expense of honor, justice, integrity, or by the sacrifice of a single principle, that title will not be denied to Washington." Jared Sparks, *The Life of George Washington* (Boston, 1839), 493.

[3] "The fame of Washington stands apart from every other in history; shining with a truer lustre and more benignant glory." Washington Irving, *Life of George Washington* (5 volumes, New York, 1855–1859), V. 320.

[4] "History records many names that dazzle the imagination with a greater brilliancy, but few, indeed, that shine with a light so pure, steady, permanent, penetrating, and serene." Richard Hildreth, *The History of the United States . . .* (6 volumes, New York, 1882), V. 338.

[5] Comparing Washington with Frederick the Great, Bancroft says: "Both were eminently founders of nations, childless heroes, fathers only to their countries: the one beat down the dominion of the aristocracy of the middle ages by a military monarchy; the Providence which rules the world had elected the other to guide the fiery coursers of revolution along nobler paths, and to check them firmly at the goal." George Bancroft, *History of the United States . . .* (6 volumes, Boston, 1876), III. 209.

[6] Henry Cabot Lodge, *George Washington* (2 volumes, Boston, 1889), I. 12.

[7] Eliphalet Dyer to Joseph Trumbull, June 17, 1775, in *Letters of the Members of the Continental Congress*, Edmund C. Burnett, Editor, (9 volumes, Washington, 1921–1936), I. 128; John Hancock to Joseph Warren, June 18, 1775, *ibid.*, 134; Hancock to Elbridge

Evidently there was some innate quality of leadership that commended Washington to men who came into contact with him. His presence and character proved equal to the demand of the times for a leader of transcendent merit who would symbolize the righteousness, dignity, and virtue of the Revolutionary cause. In June, 1775, Silas Deane wrote to his wife: "Let our Youth look up to this man as a pattern to form themselves by; who unites the bravery of the soldier with the most consummate modesty and virtue."[1] Robert Morris wrote in July, 1776: ". . . my confidence in the abilities of General Washington is entire. His life is the most valuable in America. . . ."[2] Hamilton said in 1778: "Every lip dwells on his praise, for even his pretended friends (for none dare to acknowledge themselves his enemies) are obliged to croak it forth."[3]

If one may judge by Washington's own papers, the event which first placed him upon the pedestal was the evacuation of Boston on March 17, 1776. For that first outstanding success of the war he personally received the credit. From all parts of the colonies tributes flowed in to him.[4] The gratitude of the New Englanders seems to have been unbounded.[5] Such gratitude became enduring, for Washington's success at Boston conferred a lasting benefit on the New Englanders. It removed the war from their soil and saved their towns and farms from desolation. Every year of the war that passed brought home to

Gerry, June 18, 1775, *ibid.*, 135; John Adams to Mrs. Adams, June 17, 1775, *ibid.*, 130. See, also, letter to Washington, signed by Hancock, Robert Treat Paine, John Adams, Samuel Adams, and Thomas Cushing, June 22, 1775, Washington Papers, Library of Congress, Manuscripts Division, XVI.

[1] Silas Deane to Mrs. Deane, June 16, 1775, *Collections of the New York Historical Society*, 1886 (Deane Papers), I. 59.

[2] Robert Morris to Joseph Reed, July 20, 1776, in William B. Reed, *Life and Correspondence of Joseph Reed* (2 volumes, Philadelphia, 1847), I. 202.

[3] *History of the George Washington Bicentennial Commission, Foreign Participation* (Washington, 1932), 582.

[4] Hancock to Washington, Philadelphia, March 25, 1776, Washington Papers, XXIV; Philip Schuyler to Washington, Albany, March 27, 1776, *ibid.*; Lord Stirling to Washington, New York, March 27, 1776, *ibid.*; George Mason to Washington, April 2, 1776, *ibid.*; Washington to John Augustine Washington, March 31, 1776, in *The Writings of George Washington* (hereafter cited as *Writings*), John C. Fitzpatrick, Editor, (37 volumes, Washington, 1931–1944), IV. 450. For photographs of the gold medal presented by Congress to Washington in honor of the evacuation, see Sparks, *Life of Washington*, 164.

[5] Josiah Quincy to Washington, March 21, 1776, Washington Papers, XXIV; Selectmen of Boston to Washington, *ca.* March 25, 1776, *ibid.*; joint resolution of the Council and House of Representatives of Massachusetts, March 28, 1776, *ibid.*

them their great debt to the leader who had driven the enemy from their land. Thus there took root in one of the intellectual and literary centers of America the tradition of Washington's greatness. A host of effective writers of story, poem, and eulogy sang his praises to the nation and the world.[1]

> Haughty they said he was, at first, severe;
> But owned, as all men own, the steady hand
> Upon the bridle, patient to command,
> Prized, as all prize, the justice pure from fear,
> And learned to honor first, then love him, then revere.[2]

Washington's success in the war, in the Constitutional Convention, and as President had elevated him to the pinnacle of fame at the time of his death in December, 1799.[3] If Americans were then subject to illusions as to his greatness, so were some foreigners, as is indicated by an official report which Talleyrand wrote for the French Government in 1800:

> The regrets caused by the death of this great man . . . a proper veneration for all that is held dear and sacred by mankind, impel us to give expression to our sentiments by taking part in an event which deprives the world of one of its brightest ornaments, and removes to the realm of history one of the noblest lives that ever honored the human race. . . .
>
> History offers a few examples of such renown . . . his fame is to-day imperishable,—fortune having consecrated his claim to greatness, while the prosperity of a people destined for grand achievements is the best evidence of a fame ever to increase.[4]

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[1] Besides Bancroft, Sparks, and Hildreth, the following New Englanders wrote favorably of Washington: John Greenleaf Whittier, "The Vow of Washington"; James Russell Lowell, "Under the Old Elm"; Nathaniel Hawthorne, *Grandfather's Chair*, Part II, Chapter 8, and Part III, Chapters 8, 10; Oliver Wendell Holmes, "Ode on Washington's Birthday"; Edward Everett, *The Life of Washington* (New York, 1860); Robert C. Winthrop, *Oration Pronounced on the Occasion of Laying the Corner-stone of the National Monument to the Memory of Washington*, July 4, 1848; Daniel Webster, *The Character of Washington*, an address at a public dinner in Washington, February 22, 1832; Joel Barlow, *The Columbiad* (Philadelphia, 1807); Mercy Warren, *History of the American Revolution* (Boston, 1805); Edward Everett Hale, *The Life of Washington Studied Anew* (New York, 1888). For additional references, see writings on Washington listed in *A Catalogue of the Washington Collection in the Boston Athenæum* (Boston, 1897), 341–454.

[2] James Russell Lowell, "Under the Old Elm," *Poetical Works* (Household Edition, Boston, 1896), 425.

[3] For a good summary of Washington's early popularity, see Evarts B. Greene, *The Revolutionary Generation* (New York, 1943), 302–303.

[4] Quoted in Lodge, *George Washington*, I. 2*n*.

Forty-nine years after Washington's death Congress voted to give concrete expression to the symbolism which identified the great hero with the nation. The plan of 1848 for the Washington Monument called for a memorial on a magnificent scale. As if it had not been enough to name the capital city after the national hero, the memorial must be placed in what would be eventually a center of the metropolis; it must rise to a then unheard-of height; and in dignity and majesty it must rival or even excel the capitol and the White House.[1] The story of its building discloses many an evidence of the world-wide fame of the man it honored. Greece sent a fragment of the Parthenon. On the stone contributed by China was written: "Can any man of ancient or modern times fail to pronounce Washington peerless?"[2] The idea behind the monument was stated by Lincoln in 1842:

> Washington is the mightiest name of earth—long since mightiest in the cause of civil liberty, still mightiest in moral reformation. On that name no eulogy is expected. It cannot be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor leave it shining on.[3]

Under the spell of ceaseless adoration the image of Washington in people's minds became that of a semisacred character. The godlike nature attributed to him placed him in a realm apart—high above the mortals with whom he had associated during his lifetime. He appeared as an almost divine person who had descended fullgrown from heaven, endowed with superhuman wisdom and virtue. His actions, decisions, and utterances had been determined, not by the necessity of finding workable plans for specific situations, not by the pressure of human interests, rivalries, jealousies, and ambitions, but by a superior inspiration. He appeared almost as the founder of Christianity appears in the four Gospels. To this benighted earth he brought the wisdom of another world. Those who heeded, obeyed, and followed loyally were like the Apostles; those who criticized, opposed, or betrayed him were little better than Pontius Pilate. And so there emerged a picture of his times. In the center towered the godlike figure, diffusing light, wisdom, and courage; at his side stood his faithful disciples; opposed to him were arrayed the sons of darkness. His writings were invested with a well-nigh sacred quality. If he offered counsel to his countrymen, he spoke immutable truth. If he wrote an account of a specific event, his description became the final word, for who dared question the veracity of the godlike hero?[1]

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[1] Frederick L. Harvey, *History of the Washington National Monument* (Washington, 1902), 41–43, 48.

[2] Lodge, *George Washington*, I. 6–7.

[3] Nicolay and Hay, *Abraham Lincoln: Complete Works*, I. 63–64.

> Wise beyond lore, and without weakness good,
> Calm in the strength of flawless rectitude![2]

The worship of Washington as a saint and supreme patriot affords an underlying explanation of the dearth of acceptable studies of his life and works. On the whole, his biographers have worked on a simple assumption: that all one needed to know of any event in which Washington took part is what he said about it. His integrity and honesty gave assurance that whatever he wrote was the not-to-be-questioned truth. The biographer of Washington, therefore, became exempted from the first rule of historical method: that any statement must be verified by two or more independent witnesses before it may be accepted as fact. The outstanding characteristic of historical works about Washington is that they have been written largely from his own writings.[3] That fact explains the fundamental similarity of the numerous biographies. It is safe to say that as long as this method is employed, there will be no further progress in the study of his career. So many biographies have exploited that method that nothing remains to be said or done by anyone who uses it. The method, of course, repels the modern historian and serves as a deterrent which keeps him from the Washington theme. At the same time the tradition of Washington as a semisacred character is still so strong that one is not likely to undertake lightly the task of criticizing the hero symbol. The modern historian has thus become involved in a dilemma. He has hesitated to be caught in a cross fire of the demands of sacred tradition on the one side and the exacting requirements of historical method on the other. Reluctance to use the old method of adulation and the difficulty of applying modern principles of criticism to the hero's life have undoubtedly contributed greatly to the present neglect of Washington studies.

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[1] For a modern version of Washington as a semisacred figure, see Nathaniel W. Stephenson and Waldo H. Dunn, *George Washington* (2 volumes, New York, 1940). See, also, reviews by Bernhard Knollenberg, in the *New Republic*, CII (April 22, 1940), 542–544, and Curtis Nettels, in the *New England Quarterly*, XIV (September, 1941), 736–740.

[2] John Greenleaf Whittier, "The Vow of Washington," *Complete Poetical Works* (Cabinet Edition, Boston, 1889), 615.

[3] "The lives of Washington by John Marshall, Jared Sparks, Washington Irving, and Worthington C. Ford are about the only biographies that have been prepared from Washington's original papers . . . in general, the numerous lives of our First American are the product of a complacent examination of the letters printed by Sparks and Ford." Washington, *Writings*, I. xxxvi.

II

The sacred character imputed to Washington and his writings has had another effect. His statements were repeatedly used as weapons in the warfare of ideas. Political partisans turned to his writings for supporting doctrine much as theologians seek to strengthen their positions by quoting Scripture. The repeated use of Washington's statements to sustain partisan causes has contributed so much to the prevailing neglect of Washington studies that it is worth while to review briefly three leading illustrations of the way in which his prestige was brought to bear in great political contests.

First come to mind the issues of slavery and the Union. Beyond doubt the Washington tradition served the cause of the Union better than that of the Confederacy. Washington lived when slavery in the tobacco area was on the decline. The effects of the cotton gin were just beginning to be felt at the time of his death. Washington's personal comments on slavery were more hostile to the institution than friendly.[1] They offered no comfort to the Southern fire-eaters who embraced the proslavery argument. On the other hand, Washington's devotion to the nation, his unionism, and his preference for the national government over state rights were clear, emphatic, unmistakable, and unequivocal. In addition, he had been a consistent champion of the mercantilist doctrines in favor of a diversified, self-sustaining national economy and the promotion of manufacturing industries through the media of a protective tariff and centralized banking. On the three major issues of the Civil War—slavery, state rights, and industrialism—the weight of Washington's principles was overwhelmingly on the side of the Union. Two illustrations will suffice. In 1844, when Congress repealed the antislavery petition gag-rule, the leading Whig paper of South Carolina abruptly stopped a serial printing of the Farewell Address and replaced it with a call for secession.[2]

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[1] *Ibid.*, XII. 327; XXXIII. 358; XXXVI. 2; XXXVII. 276.

[2] Samuel E. Morison and Henry S. Commager, *Growth of the American Republic* (2 volumes, New York, 1942), I. 531.

Twelve years later Oliver Wendell Holmes wrote his "Ode for Washington's Birthday":

Vain is Empire's mad temptation!
Not for him an earthly crown!
He whose sword hath freed a nation
Strikes the offered sceptre down.
See the throneless Conqueror seated,
Ruler by a people's choice;
See the Patriot's task completed;
Hear the Father's dying voice!
"By the name that you inherit,
By the sufferings you recall,
Cherish the fraternal spirit;
Love your country first of all!
Listen not to idle questions
If its bands may be untied;
Doubt the patriot whose suggestions
Strive a nation to divide!"[1]

"The mystic chords of memory" were so effectively touched by the war as to swell once more "the chorus of the Union." Work on the Washington Monument proceeded apace, until it was completed in 1884. The only state to honor in its name an American leader entered the Union in 1889. Friends of the Union who cherished the hero's name had by 1859 organized the Mount Vernon Ladies' Association of the Union in order to save from neglect the stately though simple home on the Potomac.[2] In the restoration that followed, all direct traces of slavery were obliterated, in order, presumably, that the national shrine might not remind its visitors of the cause that had so nearly undone the hero's work.

Our first and best!—his ashes lie
Beneath his own Virginian sky.
Forgive, forget, O true and just and brave,
The storm that swept above thy sacred grave!
For, ever in the awful strife
And dark hours of the nation's life,
Through the fierce tumult pierced his warning word,
Their father's voice his erring children heard!

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[1] *The Poems of Oliver Wendell Holmes* (Boston, 1866), 290.

[2] Charles C. Wall, "Notes on the Early History of Mount Vernon," *William and Mary Quarterly*, Third Series, II (April, 1945), 173.

The change for which he prayed and sought
In that sharp agony was wrought;
No partial interest draws its alien line
'Twixt North and South, the cypress and the pine!
One people now, all doubt beyond,
His name shall be our Union-bond;
We lift our hands to Heaven, and here and now
Take on our lips the old Centennial vow.[1]

A second illustration of the way in which the prestige of Washington was identified with a particular cause now comes into view. May it be doubted that, with the triumph of industrialism and business interests around 1890, Washington became a symbol of economic conservatism? The triumphant Republican Party of McKinley, Taft, Coolidge, and Hoover stood for many of the policies that Washington had sponsored, particularly as regards sound money and free enterprise operating under the benign influence of an active central government which would confer positive benefits on business and industrial interests. As the Constitution became sacrosanct, Washington's contribution to its framing, ratification, and inauguration made him a natural symbol of its character as a bulwark of established rights. When Charles A. Beard, in his *An Economic Interpretation of the Constitution of the United States* (1913), delineated five major economic interests at work at the Philadelphia Convention in 1787 (most of them counterparts of business interests after 1890), he pointed out that Washington was the only man at the Convention whose private affairs exhibited four of those interests.[2] Presidents Coolidge[3] and Hoover,[4] in their memorial addresses to Congress in connection with the bicentennial celebration, paid tribute to Washington as a successful business man and as an exponent of sound business principles. All remember the saying of the 1920's that Andrew W. Mellon was the greatest Secretary of the Treasury since Alexander Hamilton.

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[1] Whittier, "The Vow of Washington," *Poetical Works,* 616.

[2] The economic interests cited by Beard were those of public creditors, private creditors, merchants-shippers-manufacturers, land speculators, and slaveowners. See pages 149–151.

[3] Address of February 22, 1927, *History of the George Washington Bicentennial Commission,* Literature Series, II. 3–7.

[4] "Upon these foundations of divine inspiration laid by our forefathers, and led by Washington, our Nation has builded up . . . a new system of life. . . ." "It embraces an economic system based upon the largest degree of freedom and stimulation to initiative and enterprise which can be permitted and still maintain the ideal of equality of opportunity among men." Address of February 22, 1932, *ibid.,* 12–13.

In historiography the era of the symbolism of conservatism goes back as far as 1889 when Henry Cabot Lodge published his *George Washington.* As a student of Hamilton, as well as of Washington, Lodge knew that the Federalist policies of the 1790's, which were designed to promote industrialism in the United States, were first of all the policies of the President. "We have Washington's views and feelings on this matter set forth again and again," wrote Lodge, "and they show that the principle of the Report on Manufactures was as near and dear to him, and as full of meaning, as it was to Hamilton."[1] Of Washington's business code Lodge says: "He meant to have his due, no matter how trivial, and he meant also that others should have theirs. In trifles, as in greater things, he was scrupulously just, and although he was always generous and ready to give, he insisted rigidly on what was justly his."[2] In company with Lodge's study belongs the biography by William Roscoe Thayer, published in 1922. One passage will serve to illustrate its tone: "Had Thomas Jefferson been our first President in his *sans-culotte* days, our Government might not have outlasted the *sans-culottist* enthusiasts in France. A man is known by his friends. The chosen friends of Washington were among the best of his time in America. Hamilton, Henry Knox, Nathanael Greene, John Jay, John Marshall—these were some."[3]

. . . to interpose a little ease,
Let our frail thoughts dally with . . . [mild] surmise.

What is the effect of a widely distributed portrait of a man? The best known of the Washington portraits, the Athenæum, by Gilbert Stuart, was painted in the era of high Federalism (1796). Stuart was a man of aristocratic tastes who dedicated his art to a clientele of wealth.[4] His sponsors in Philadelphia, who introduced him to Washington, were William Bingham, the extremely wealthy merchant, and his wife, Anne (Willing) Bingham, daughter of Thomas Willing, President of the Bank of the United States. Washington wrote to Stuart on April 11, 1796: "I am under promise to Mrs. Bingham to sit for you tomorrow at 9 o'clock, and wishing to know if it be convenient to you that I should do so, and whether it shall be at your own house (as she talked of the State house), I send this note to you to ask information."[1]

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[1] Lodge, *George Washington,* II. 113–114.

[2] *Ibid.,* 349.

[3] William Roscoe Thayer, *George Washington* (Boston, 1922), 258.

[4] John H. Morgan and Mantle Fielding, *The Life Portraits of Washington and Their Replicas* (Philadelphia, 1931), 219–220.

Stuart kept the original of the Athenæum portrait, which he painted in Washington's presence, and used it for making as many as seventy copies.[2] Evidently the orders came from wealthy Federalist devotees of the President.[3] Stuart had returned to America from England with the definite intention of supporting himself by painting Washington portraits. A visitor at Stuart's studio in 1797 described the full-length Lansdowne portrait that had been painted on order of William Bingham: "This copy was for Mr. Binghams own use and from which Stewart told us he had engaged to finish copies to the amount of 70 or 80,000 Drs at the rate of 600 Drs a copy. This circumstance is an unique in the history of painting, that the portrait of one man should be sought after in such a degree as to be copied by the original artist such a number of times and for such an amount."[4] After Jefferson became President, Stuart found the capital uncongenial to his art, and moved to Boston, then the stronghold of Federalism.[5]

The Athenæum portrait has about it a sphinx-like quality. There was evidently something in it that appealed to the business men of the time. Perhaps it exaggerates those traits of Washington which made him a successful business man. It certainly conveys a sense of great strength and above all of granite-like durability. Its subject, like the Great Sphinx, seems to exist indifferent to the passing of the ages. Could there be a more effective expression of the will of conservatism to perpetuate the sacred rights of property?

With the advent of cheap picture printing, copies were distributed throughout the land in generous profusion.[6] To generations of school children the one and only image of Washington offered to their impressionable minds was that of the Athenæum portrait. It is an interesting fact that the Bicentennial Commission of 1932 placed a colored copy of it in every schoolroom in the nation.[1] The fact is interesting in view of a decision made by a committee of artists and historians that was appointed to select the best portrait of Washington. A majority of this committee could not agree on any one of the numerous paintings as acceptable. The committee thereupon voted *unanimously* to adopt the Houdon bust of 1785 as the best likeness of Washington, and it was accordingly adopted as the official portrait of the celebration.[2] How unfortunate that the schoolrooms were denied copies of the likeness by the French sculptor, which portrays not only Washington's strength but also something of the magnanimity and nobility of his nature.

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[1] *Ibid.*, 358. [2] *Ibid.*, 228. [3] *Ibid.*, 219–221, 227.

[4] Quoted in *ibid.*, 358.

[5] *Ibid.*, 220.

[6] "The Athenæum Head had been so universally accepted as 'the' representation of Washington that John Neal wrote as early as 1868 that if Washington returned to life and should stand side by side with this portrait and not resemble it, he would be rejected as an impostor." *Ibid.*, 229.

A few remarks will suffice for a third instance of the use of Washington's authority in an important political contest. The Farewell Address served as the Bible of the irreconcilable foes of the League of Nations in the great debate over ratification. Senator Borah, the first to make a nationwide speaking tour against the League, exploited the then great prestige of Washington's ideas with powerful effect.[3] The anti-League irreconcilables demanded an answer to Washington's question: "Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European Ambition, Rivalship, Interest, Humour or Caprice?"[4] As chairman of the Senate Committee on Foreign Relations, Henry Cabot Lodge acted on views that were consistent with his interpretation of Washington's foreign policy. That policy, wrote Lodge, taught the American people "that their first duty was to be Americans and nothing else." The grandeur of such instruction seemed to Lodge beyond expression: ". . . it speaks for itself and for its author in a way which makes words needless."[5] The Republican minority that turned its back on the League included many men who were identified with Washington through the symbolism of conservatism. This fact facilitated the identification of Washington with isolationism and selfsufficing, high-tariff nationalism. In order to sanctify his arguments against economic internationalism, George N. Peek in 1936 took from the Farewell Address the title of his book *Why Quit Our Own?* In the late 1930's and in the early 1940's the extreme "nationalists" and "isolationists" utilized the pictorial image of Washington as the symbol of their cause.[1]

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[1] *History of the George Washington Bicentennial Celebration, Foreign Participation,* 11.

[2] *Ibid.,* Literature Series, III. 29–30.

[3] Claudius O. Johnson, *Borah of Idaho* (New York, 1936), 229, 230, 242, 490; William E. Borah, *The League of Nations* (Indianapolis, [n. d.]), 36, 39, and *American Problems* (New York, 1924), 74–76.

[4] Washington, *Writings,* XXXV. 234.

[5] Lodge, *George Washington,* II. 215.

III

The later symbolisms, as regards the Union, conservatism, and isolationism, have had an effect on historical studies almost as serious as the influence of the earlier hero symbolism. The later symbols have placed Washington's prestige at the center of controversies in which the most heated and bitter passions have been inflamed. This has made difficult a dispassionate study of his life, an objective study that would place him in the context of his times. The historian was always in danger of being caught in the midst of contemporary political warfare, of being attacked violently if his findings did not reinforce the dominant symbolism of the day. Perhaps the sanctification of certain causes by means of the Washington symbolism has made Washington himself repellent to the opponents of those causes. Such opponents have hesitated to attack, openly and directly, the canonized Washington, and their aversion to what he has been made to stand for has not inspired them to devote years of arduous labor to a study of his life. In consequence they have preferred to let him strictly alone. The variations on the Washington theme have been almost exclusively composed by writers sympathetic to one or another of the ideas conveyed in the prevailing symbolisms.[2]

Undoubtedly the identification of Washington with conservatism and isolationism reflected a part of the truth concerning his views. But only a part. The deficiency of those symbolisms is that they either portray his ideas only at certain points of his career or present views which he applied to the situations of his time as if such views were valid for all time. The symbolism of conservatism fails to do justice to Washington as a foe of backward-looking imperialism, as a popular leader, and as a man of progressive spirit who took a leading part in creating a new nation, a new government, and a new set of national policies.[1] The symbolism of isolationism fails to take into account the fact that Washington in 1796 was giving advice to a little country in a big world, not to a big country in a little world. However, so successful was the identification of Washington's prestige with conservatism and isolationism that opponents of those attitudes accepted the symbols as representations of the true Washington. They did not seek to combat them by making intensive studies to point out that his statements referred mainly to the situations of his time and do not necessarily apply in detail to modern conditions. Nor did the critics of the symbolisms seek to demolish them by attacking Washington as a person. They simply turned away from him, ignored him, and relegated him to the background. In so doing they contributed to the neglect of the study of his life.

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[1] At the meetings sponsored by the America First Committee and similar groups in 1940–1941, large pictures of Washington were displayed.

[2] Exceptions to the statement are Bernhard Knollenberg, *Washington and the Revolution* (New York, 1940), and W. E. Woodward, *George Washington, the Image and the Man* (New York, 1926).

Let us consider more specifically the effect on historical writing of the identification of Washington with the cause of the Union. Since the Civil War most of the major writers and editors in the Washington field have been Northerners. The neglect of the theme by Southern historians is notorious. Where is the modern counterpart of John Marshall? Is it not significant that Douglas S. Freeman devoted his initial historical labors to the biography of Robert E. Lee?[2] It is reported that Mr. Freeman is now at work on a life of Washington. But unless Mr. Freeman is gifted with the endurance of Ranke, the intellect of Aristotle, and the longevity of Methuselah, his forthcoming study of Washington will not be in the category with his work on Lee.

The identification of Washington with conservatism has not inspired any extended study of his life by writers of a liberal or democratic point of view.[3] Among recent treatments of his times by historians of that persuasion by far the most influential is Claude G. Bowers's *Hamilton and Jefferson* (Boston, 1925). Although Mr. Bowers disavowed partisanship and did not indulge in one-sided abuse and praise, his presentation of the contests of the 1790's as "the struggle for democracy" tends to enlist the modern reader's sympathy for the cause of Jefferson. His volume may therefore be regarded as a leading statement by an historian of the liberal-democratic school.

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[1] C. H. Ambler has brought to light one of Washington's proposals that is not ultra-conservative—that "all mines, minerals, and salt springs" in the public domain should be reserved for the benefit of the public "instead of the few knowing ones." Letter to Richard Henry Lee, December 14, 1784, quoted in Ambler, *George Washington and the West* (Chapel Hill, 1936), 186–187.

[2] Douglas S. Freeman, *R. E. Lee, a Biography* (4 volumes, New York, 1934–1935), and *Lee's Lieutenants* (3 volumes, New York, 1943–1944).

[3] Foremost among historians of the liberal-democratic school who have ignored Washington is Vernon L. Parrington. See *Main Currents of American Thought* (3 volumes, New York, 1927–1930), I *(The Colonial Mind)*.

How, then, has Mr. Bowers dealt with Washington as a symbol of conservatism? The answer is simple: by neglecting him. It is hard to imagine how anyone could write another book on Washington's presidency that would more effectively eliminate him from the picture than Mr. Bowers's rapid-fire survey has done. The President appears variously as a shadowy person, a figurehead, a spectator, a bystander, a tired old man.[1] The force, the influence, the ideas, and the directing genius of his administration emanated from Hamilton, who was the power behind the throne. This false and oversimplified conception, which is derived largely from Jefferson's writings, serves the liberal-democratic historian admirably.[2] It enables him to assail the policies of the Federalist opposition without attacking the canonized Washington. It presents as the antagonist of liberal-democratic ideas, not the popular, invulnerable hero, but the vulnerable, unpopular Hamilton. The validity of the conception is tested in one striking way. When Jefferson led the opposition, he denounced his enemies as "monarchists" (excluding Washington), but no sooner had he been elected President (the "monarchists" were still living but Washington was then dead) than he proclaimed in his First Inaugural: "We are all republicans: we are all federalists."

Perhaps no factor has exerted greater influence on the recent study of the age of Washington than the relations between the United States and Great Britain. The hostility, friction, and antagonism that alienated the two countries for more than a hundred years after 1763 are, of course, a familiar story. About fifty years ago, however, a countertrend toward an Anglo-American entente set in, to reach high points in World Wars I and II and in Mr. Churchill's Fulton speech of March 5, 1946, in which he proposed a continuing Anglo-American military alliance and hinted more than darkly at a dual citizenship.[1]

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[1] For comments on Washington, see 6–7, 16–18, 20–21, 119, 171–172, 214, 216, 228, 233–234, 247, 261, 285–288, 298, 308, 413.

[2] A similar view of the relations of Washington, Hamilton, and Jefferson is presented in the play, "The Patriots," by Sidney Kingsley. See, also, Woodward, *George Washington*, 447.

The inception of the new trend may, for the sake of convenience, be placed in the year 1894 when Captain Alfred Thayer Mahan published in the *North American Review* an essay entitled, "Possibilities of an Anglo-American Reunion." In this and later writings Mahan outlined the threat to western civilization from "the teeming multitudes of central and northern Asia. . . ."[2] The world would soon learn the answer to the question "whether Eastern or Western civilization is to dominate throughout the earth and to control its future." The "mission" of Christian civilization "which it must fulfil or perish," was to overspread and to assimilate to its "own ideals those ancient and different civilizations . . . at the head of which stand China, India, and Japan." In performing a mission of such magnitude the United States would need not only a powerful fleet but also a trustworthy partner—and that meant, of course, the British Empire.[3]

After 1895 the movement for an Anglo-American entente gained momentum in the realms of diplomacy and ideas until it became one of the most pervasive forces in the intellectual life of the United States. One of the principal obstacles in the path of the proposed entente was the tradition of hostility toward Britain, the tradition which emanated from the Revolutionary War and which shone so luminously in the histories of the Bancroft school. If the old antagonism were to be superseded by friendship, the old tradition of enmity and suspicion must be diluted or dissolved. This called for a revision of the histories and above all for new interpretations of the Revolutionary War.

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[1] "Fraternal association requires . . . the continuance of the intimate relationships between our military advisers, leading to common study of potential dangers, similarity of weapons and manuals of instruction and interchange of officers and cadets at colleges." "Eventually there may come the principle of common citizenship, but that we may be content to leave to destiny, whose outstretched arm so many of us can clearly see." *New York Herald-Tribune,* March 6, 1946.

[2] *North American Review,* CLIX (November, 1894), 558–559.

[3] Harold and Margaret Sprout, *The Rise of American Naval Power* (Princeton, 1942), 216, quoting Mahan's article, "A Twentieth Century Outlook," *Harper's Magazine,* XCV (September, 1897), 527.

In response to this need, and to other interests of recent times, a new school of American history undertook the task of supplying a series of new appraisals of the Revolutionary era. Outstanding among its leaders were Claude H. Van Tyne[1] and James Truslow Adams.[2] The most active laborer in this field at present is Lawrence H. Gipson.[3] It would be going too far to say that the new school has simply revived the Loyalist point of view, which deplored the independence of the United States. This group of historians has accepted the fact of independence, and sought to harmonize it with the program of Anglo-American collaboration.

One special problem confronted the revisionists: what should be done about George Washington? He definitely had not been on Britain's side during the Revolution. No one could deny that he had occupied a prominent place in the struggle. And had he not, in 1796, uttered strong words of warning against a policy of habitual favoritism toward one particular country?[4] In the end, however, a solution of the problem of Washington was found. It is not asserted that all those who have applied the solution did so deliberately or with unworthy motives. It is the result that is of interest. Washington, as a Revolutionary figure, was presented almost exclusively as a military leader, as one far removed from the issues and causes of the war. His active participation in the resistance movement after 1763 and his leadership in the drive for independence were conveniently lost sight of. Some works presented him as a loyal subject of the King, who long continued to hope for conciliation.[1] Who, then, were the instigators of independence? Well, there was a group of men less reputable and less honorable than Washington—Tom Paine, Samuel Adams, John Hancock, Patrick Henry, Richard Henry Lee. Rabble-rousers, smugglers, demagogues, agitators, and propagandists were now spoken of.[2] Paine, Henry, Lee, Hancock, and Sam Adams made safer targets for the shafts hurled by the partisans of Britain than did the still inviolate Washington.[3] Mr. Gipson, in his *Great War for the Empire*, attributes certain anti-British traditions of Americans to a few passages in Tom Paine's *Common Sense*.[4] Yet for the traditions thus mentioned there are also numerous evidences of their origin in the letters of Washington.[5]

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[1] In the final paragraph of Claude H. Van Tyne, *The Causes of the War of Independence* (Boston and New York, 1922), 477–478, Van Tyne quotes a statement of Burke, and adds: "He was merely urging what was fated to become a splendid realization, that the more the British Empire should grow, the more freedom would be established on the face of the earth. . . . The British Empire . . . was brought to . . . disaster by the insistent demand of Englishmen in America for the full enjoyment of those liberties which England had fostered beyond any other country of the world."

[2] James Truslow Adams, *The March of Democracy* (2 volumes, New York, 1932–1933), I. 110–111, 119–120, 138.

[3] See the dedication of Lawrence H. Gipson's *The Great War for the Empire* (New York, 1946).

[4] "So likewise, a passionate attachment of one Nation for another produces a variety of evils. Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and Wars of the latter, without adequate inducement or justification: It leads also to concessions to the favourite Nation of priviledges denied to others, which is apt doubly to injure the Nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill will, and a disposition to retaliate, in the parties from whom equal priviledges are withheld. . . ." Washington, *Writings*, XXXV. 232.

[1] Statements of this view appear in two of the most widely used college textbooks: Morison and Commager, *Growth of the American Republic*, I. 192, and Harold U. Faulkner, *American Political and Social History* (New York, 1943), 95. See, also, John C. Miller, *Origins of the American Revolution* (Boston, 1943), 462.

[2] At the 1921 meeting of the American Historical Association, C. W. Alvord, in a paper entitled "*In re* the American People *vs.* George III," presented three causes of the Revolution, one of which was "the propaganda put forth first for political purposes and then for the gaining of independence." "The remarks of Professor Schlesinger included some very pertinent suggestions as to lines along which the history of this propaganda might well be further pursued." J. F. Jameson, "The Meeting of the American Historical Association at St. Louis," *American Historical Review*, XXVII (April, 1922), 415. At the 1932 meeting, Philip Davidson presented a paper, "Propagandists of the American Revolution." "The most interesting illustration which Professor Davidson gave concerned the methods used by such men as Samuel Adams, William Livingston, William Henry Drayton, and Thomas Paine to discredit Lord North's conciliatory measures announced in April, 1778. These writers, like their successors during the World War, appear to have been more concerned with the end they desired to reach than with the truth of what they alleged. Facts were distorted and rumors propagated." H. E. Bourne, "The Toronto Meeting of the American Historical Association," *ibid.*, XXXVIII (April, 1933), 441–447. See, also, Philip Davidson, *Propaganda and the American Revolution* (Chapel Hill, 1941). On Samuel Adams, see John C. Miller, *Sam Adams, Pioneer in Propaganda* (Boston, 1936). On Hancock, see James T. Adams, "Portrait of an Empty Barrel," *Harper's Magazine*, CLXI (September, 1930), W. T. Baxter, *The House of Hancock* (Cambridge, 1945), 290; references to Hancock in other works cited by O. M. Dickerson, "John Hancock: Notorious Smuggler or Near Victim of British Revenue Racketeers?" *Mississippi Valley Historical Review*, XXXII (March, 1946), 517–540. On the presumed influence of Tom Paine, see Merle Curti, *Roots of American Loyalty* (New York, 1946), 16–18; and J. T. Adams, *March of Democracy*, I. 119–120.

[3] Speaking before the Virginia legislature, March 8, 1946, Mr. Winston Churchill paid tribute to four of Virginia's famous sons, Patrick Henry, Jefferson, Robert E. Lee, and Stonewall Jackson, but did not mention Washington. *New York Times*, March 9, 1946.

[4] Gipson, *Great War for the Empire*, 4, 5–7, 9, 19.

[5] Washington, *Writings*, I. 133, 144, 149–150, 151, 528, 532–533; II. 347, 350, 363, 428–429, 435, 461, 466; IV. 209–210, 226, 282, 321.

Mr. Gipson's recent book brings to mind two wills that throw light on the themes of Washington, the Revolution, Anglo-American partnership, and recent historical interpretations. Few men have exerted more influence in behalf of the proposed partnership than Cecil Rhodes, who devoted most of his life to the cause of effecting "the governance of the world by the British race."[1] He left in 1902 a will that provided for the maintenance at Oxford of a considerable number of Rhodes Scholars, men between the ages of nineteen and twenty-four. The purpose of the scholarships was expressed in these words: to create in American students "an attachment to the country from which they have sprung, but without, I hope, withdrawing them or their sympathies from the land of their adoption or birth."[2]

Washington, in his will, made a grant for establishing a university in the District of Columbia. Of the theory underlying the grant the will says: ". . . it has always been a source of serious regret with me, to see the youth of these United States sent to foreign Countries for the purpose of Education, often before their minds were formed, or they had imbibed any adequate ideas of the happiness of their own; contracting, too frequently, . . . principles unfriendly to Republican Governm[en]t and to the true and genuine liberties of mankind; which, thereafter are rarely overcome."[3]

IV

At the present time certain trends in politics and in historical investigation act as deterrents to the kind of study that is needed if the Washington theme is to be treated adequately. First may be cited the influence of the New Deal. In a recent review Mr. Douglass Adair has pointed out that the critics of the New Deal have turned for inspiration, not to Washington, but to Jefferson.[4] Such critics, of course, oppose the expanded activities of the national government that occurred under the auspices of the New Deal. Washington, as the father of nationalism and as the sponsor of an active, vigorous central government, did not offer much solace to the opponents of Franklin D.

[1] *Encyclopaedia Britannica* (1946), XIX. 258.

[2] *Ibid.*, 266.

[3] Washington, *Writings*, XXXVII. 279–280.

[4] "The New Thomas Jefferson," *William and Mary Quarterly*, Third Series, III (January, 1946), 128.

Roosevelt. At the same time, however, the symbolism of Washington as the embodiment of conservatism seems to have deterred the friends of the New Deal from enlisting his prestige in their cause. The identification of Jefferson with state rights, low taxes, economy in government, and *laissez-faire* made him the more effective authority for the critics of the New Deal and for the partisans of the old order of rugged individualism. The sort of people who previously gloried in the memory of Washington now went to worship at Monticello. The defenders of the New Deal, however, refused to allow the patron saint of the Democratic Party to be captured by the enemy. They asserted their claim to his patronage of the humanitarian purposes of the New Deal. Thus there ensued a contest for the legacy of Jefferson's influence which has enlivened interest in his ideas and stimulated study of his life. In the process Washington has suffered neglect.

Since the late 1930's much impetus has been given to that conception of American society that goes by the name of regionalism. The effect of this conception is to relegate a man like Washington to the background. The concept of regionalism is antipolitical; it brushes aside the factor of government, whether state or national. Washington, of course, was primarily a political figure. His nationalism, moreover, is at odds with the tenets of regionalism. It is not likely that the current emphasis on regionalism will promote the ideal that Washington had in mind for a national university which "would have a tendency to spr[ea]d systematic ideas through all parts of this rising Empire, thereby to do away [with] local attachments and State prejudices . . . from our National Councils."[1]

To another school, Marxism, Washington's life offers but little comfort. This explains another cause of the current neglect of the Washington theme. The Marxian historical thesis presents society as divided sharply into two bitterly hostile classes, the "exploiters" and the "exploited," and the Marxian revolutionary creed calls for an intensification of the strife between the two until the "exploiters" are liquidated. Washington was essentially a moderate who occupied a middle position and who sought to minimize internal strife by harmonizing conflicting interests. If he represented a specific social group, it was the middle class. He preferred a "mixed" government in which the different elements of society would check and balance one another

[1] Washington, *Writings,* xxxvii. 280.

in order that each might possess some influence, some means of defending itself, but not complete power. Government should be so devised as to provide as much popular or majority rule as might be consistent with the protection of individual rights.[1] Such a concept is the antithesis of Lenin's view that the leaders of the proletariat should seize power, deprive their opponents of all rights, and establish an unlimited dictatorship.[2] The development of the United States on principles established by Washington's leadership between 1775 and 1797 offers perhaps the most effective refutation of the Marxian thesis. It is therefore not surprising that Washington has suffered neglect at Marxian hands.

To another group of writers Washington has not proved to be a congenial subject. There are those who offer history in spicy concoctions of which crime, scandal, intrigue, and personal invective are the main ingredients. Colorful name-calling and stories of irregularities pertaining to the fair sex excite the reader's interest. The Washington papers do not provide the proper seasoning for such a fare. Washington did not indulge often in picturesque name-calling, and if his opponents indulged in that diversion at his expense, most of them or their descendants have taken care to destroy the record of the offense.

To certain other schools of history that command wide interest today Washington has not made an appeal. His rather rigid and matter-of-fact writings place him outside the province of the literary historians.[3] A unique figure of great influence vexes the sociological historians and weakens the position of those who regard history as a science. The Social Science Research Council refuses to take cognizance of biography. The school of intellectual history has thus far concerned itself largely with writers and thinkers who have produced statements of theories and ideas in systematic or well developed form. Washington's obvious contribution to the history of ideas is the Farewell Address. But that has been so long and so well known that it has been ignored or neglected by pioneers who have labored to break new ground beyond the old frontiers of social thought.[1]

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[1] Harold W. Bradley, "The Political Thinking of George Washington," *Journal of Southern History*, XI (November, 1945), 485–486; Everett S. Brown, "Washington and the Critical Period—1783–1789," *Bicentennial Notes on George Washington* (Ann Arbor, 1932), 15–17.

[2] V. I. Lenin, "The State and Revolution," *Handbook of Marxism* (New York, 1935), 738–739.

[3] In the *Cambridge History of American Literature* there is no discussion of Washington's ideas, writings, or influence.

Another deterrent to further Washington studies is the fact that the existing literature on the theme is so vast. What opportunity, one is likely to ask, remains in a field which has been cultivated so diligently by so many renowned scholars? Charles Francis Adams,[2] Paul Leicester Ford, Worthington C. Ford, John C. Fitzpatrick,[3] Rupert Hughes,[4] and Nathaniel Wright Stephenson are names to reckon with. Have not the uncounted years of labor which they devoted to the Washington theme well-nigh exhausted it? And what an array of special studies, many of excellent quality, confronts the diffident student who contemplates a plunge into the ocean of Washington material![5]

The Washington story consists, for the most part, of a long series of incidents, the large majority of which are anything but exciting. Washington accomplished his work by grappling with a number of humdrum problems, about most of which there is no air of romance. Such, for instance, were the problems that pertained to the Revolutionary Army. Yet such problems, unexciting as they now appear, were intricate and complex, involving many factors. In order to know the elements of a single one of those problems the investigator must devote to it a great deal of careful, intensive labor. Nor is one likely to understand Washington's part in a specific situation unless one knows the story of the many situations that preceded it. Consequently, the student must do a large amount of preliminary work before results worthy of publication are attained. The deterring effect of this state of things is obvious.

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[1] Among the works in this category are Parrington, *The Colonial Mind;* Merle Curti, *The Growth of American Thought* (New York, 1943); Ralph H. Gabriel, *The Course of American Democratic Thought* (New York, 1940).

[2] C. F. Adams, *Studies Military and Diplomatic* (New York, 1911).

[3] John C. Fitzpatrick, *George Washington Himself* (Indianapolis, 1933). See, also, the article on Washington by Fitzpatrick in the *Dictionary of American Biography.*

[4] Rupert Hughes, *George Washington* (3 volumes, New York, 1926–1930).

[5] Among works that conform to modern standards of scholarship are C. H. Ambler, *George Washington and the West;* Carl Van Doren, *Secret History of the American Revolution* (New York, 1941)—for Benedict Arnold; Bernhard Knollenberg, *Washington and the Revolution*—for the Conway Cabal; Paul L. Haworth, *George Washington: Country Gentleman* (Indianapolis, 1925); Samuel F. Bemis, *Jay's Treaty* (New York, 1923) and *Pinckney's Treaty* (Baltimore, 1926); Louis R. Gottschalk, *Lafayette Joins the American Army* (Chicago, 1937); Randolph G. Adams, "A View of the Surrender of Cornwallis at Yorktown," *American Historical Review,* XXXVII (October, 1931); Troyer S. Anderson, *The Command of the Howe Brothers during the American Revolution* (New York, 1936); Charles Moore, *The Family Life of George Washington* (Boston, 1926).

And there are pitfalls along the way. Forged documents and distorted texts may mislead the heedless scholar and expose him to the rod of stern criticism. The most exacting historical method is required. Washington and his associates during the Revolution were required to act with extreme caution and under the cloak of secrecy. Much of the intimate history of the Revolution is embedded in private letters. There was always the danger that such letters would be captured by the enemy.[1] The Americans soon learned the need of literary caution and restraint. Information of military value had to be carefully guarded. Comments reflecting unfavorably on associates might, if the letter fell into the hands of the enemy, be published in the press, to the detriment of the American cause. Guarded statements became the order of the day. Evidently Washington's long wartime training in the writing of cautious, restrained statements formed a habit that remained with him the rest of his life. Needless to say, his judicious, impersonal letters, written as if the world were looking over his shoulder, do not make the most exciting reading. He became a master of the art of literary suggestion. One must piece together many bits of information, read between the lines, and draw inferences by comparing hints in letters with the acts and decisions that saw the light of day.

V

Despite all the handicaps that beset the student of Washington's life, the present time is more favorable than any in the past for objective investigations that aim to recreate the reality that is gone. The need is urgent. Washington held a central place in the history of his age, during thirty-five critical years. No study will yield more insight into the nature of the American republic than an intensive inquiry into his activities during those formative years, between 1763 and 1798. Moreover, the achievements which he helped to realize have had an enduring effect throughout the world and one that seems likely to increase in influence during the years to come.

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[1] The first important instances of intercepted letters, published by the British, occurred in July–August, 1775, involving letters of Benjamin Harrison and John Adams. Burnett, *Letters of Members of the Continental Congress*, I. 169, 177*n.*, 214.

Some aspects of the Washington theme may have been studied exhaustively. It is for the authorities on his rôle in the French and Inian War, on his private life, on his military career, and on his foreign policy as President to say whether those subjects have been worked to the point of diminishing returns.

But at least one *terra incognita* remains, the exploration of which would justify many new studies. It is the wide-spreading area of Washington's political leadership, especially after 1773. What were his relations with Congress? with the individual states? with other leaders?[1] with the social groups of the country? What were the bases of his political strength? Why did he gain and retain such popularity with the common man? What were his relations with the lesser folk of the country? How did he meet situations and make decisions? What were his sources of information? Was he well or poorly informed? Who were his advisers? How did he distinguish between the attainable and the unattainable? How much attention did he pay to public opinion? What influence did he exert and by what means did he exert it? What were his methods in dealing with other leaders? Did he, in the main, use men to carry out his purposes, or was he essentially an instrument in the hands of others? Or did he work by harmonizing conflicting interests in the hope of achieving the best possible result, if not a perfect one? If he did exert a harmonizing influence, did he do it in such a way as to gain the ends which he originally had in mind? Did he practise the art of making concessions without sacrificing the substance of his plans?

In seeking answers to such questions, it is obvious that Washington should be considered as a man, not as a demigod. Unless one of his statements merely expresses his private opinion, it is to be subject to the rule that two or more independent witnesses are needed to establish the fact. Nor are the statements of his contemporaries, particularly John Adams and Jefferson, to be accepted on things that pertain to him, without verification from other sources.

Two recent publications greatly facilitate the task ahead: John C. Fitzpatrick's thirty-seven volumes of Washington's writings and Edmund C. Burnett's eight volumes of the letters of the members of the Continental Congress. As regards Washington, Burnett's work is often more valuable for the excellent citations to sources than for the material in the texts of the letters. To assist the present-day student there is the great monographic literature that has accumulated during the past sixty years, presenting invaluable aids for the study of background conditions in the various states and of the careers of other leaders. The material available calls loudly for a modern, intensive study of the Washington theme.

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[1] Many studies might be made, using as a model Samuel F. Bemis, "John Quincy Adams and George Washington," *Proceedings*, LXVII. 365–384.

And other conditions are auspicious. The hero symbolism has lost much of its hold. The nation now has so many men in its gallery of historical memory, so many great achievements to celebrate, that it is no longer necessary to make one figure the symbol of all that is good in its past. A recent survey shows that Washington now ranks third in the hearts of his countrymen. The Americans of today do not like a demigod, and unless Washington is decanonized, the interest in his work will continue to decline. There are now enough laudatory biographies that meet the requirements of sacred history. There are also enough surveys that evade the issue of the hero-symbolism by eliminating Washington from the political events of his time. The present need is for studies that present him as a man, as a leader, as a central figure who worked constantly with others and who dealt with complex situations which involved all the major factors of the time. If he should not be regarded as the only man of importance, neither should he be treated as a cipher.

The newer symbolisms that identify Washington with the Union, with conservatism, and with isolationism no longer engender the strong feelings which they once evoked. The decision to preserve the Union has now been so generally accepted that Southerners may again recognize Washington as one of their own, no less worthy of attention than Robert E. Lee or Stonewall Jackson. In view of the fact that many modern conservatives are vigorously opposed to a strong, active central government, it is probable that the Washington tradition will not appeal to them so persuasively as it did to their predecessors. Washington's leadership in the Revolution may even repel those present-day conservatives who are devoted to the cause of modern imperialism. As to foreign affairs, his work in uniting the states into an effective union may serve as an example for the United Nations and may prove to be more influential in the long run than the isolationist views which he expressed in 1796 in order to guide the young republic through its tender years.[1] His utterances on foreign policy should be regarded as more applicable to conditions in the 1790's than to conditions in the 1940's.[2] It is not likely that the old symbolisms will inspire devotees to write strongly partisan biographies in the future. Nor should those symbolisms continue to deter persons who are unfriendly toward them from studying the Washington theme. One may now present valid criticisms of Washington without seeming to endanger the foundations of the Republic. It is time to dispense with the symbols and to seek the actual person. Until that is done, in a thorough, objective, realistic manner, there will still be too much truth in McMaster's comment, made sixty years ago, that "George Washington is an unknown man."[3]

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[1] Edward R. Stettinius, Jr., in "Founder of the United Nations," *New Republic*, CXIV (April 8, 1946), Part 2, 558, says of Franklin D. Roosevelt: "His close familiarity with American history, and especially with the storm and strain which accompanied the adoption of our Constitution and the early years of the young Republic, made him realize that the United Nations Charter would be subjected to many doubts, fears and crises in its early years." A sympathetic interest in Washington's work in combining small political units into a larger unity is manifested in Woodrow Wilson's *George Washington* (New York, 1897), Chapters 9, 10.

[2] In "Washington's Farewell Address: A Foreign Policy of Independence," *American Historical Review*, XXXIX (January, 1934), 250–268, Samuel F. Bemis points out that Washington's warning against foreign entanglements pertained largely to foreign interference in the domestic affairs of the United States—not to coöperation with other nations.

[3] John B. McMaster, *History of the People of the United States* (8 volumes, New York, 1883–1913), II. 452.

A Dietary Interpretation of American History

By Arthur Meier Schlesinger[1]

History, it has been said, is always the same except that it happens to different people. If this be true, mankind should be able to govern its destinies more wisely by ascertaining the underlying reasons for the sameness. Here, unfortunately, historical scholars part company. Some find the cause in recurrent moral or ideological factors, others look to geographic influences or masterful personalities or the operations of mass psychology; while still others cling to the gospel according to St. Marx or some variant of the dogma. Though the analogy is doubtless unfair, this confusion of tongues reminds one of the dancing master in Molière's *Le Bourgeois Gentilhomme*, who maintained that "all the mistakes of men, the fatal reverses that fill the world's annals, the shortcomings of statesmen and the blunders of great captains arise from not knowing how to dance."

The simple fact is that human motives are so complex, so subtly intermixed with the rational and irrational, the spiritual and material, that no single-track explanation suffices. Oddly enough, however, American historians examining this question have neglected the most basic of all urges of mankind. People must eat before they can think and do. Nutriment is a want that precedes and conditions all their other hopes, aspirations, and actions. True, they must also breathe, but this need has occasioned little concern, since Nature has seldom denied sufficient air. The quest for food, on the other hand, has engaged men's unceasing energies. In what ways has this fact influenced the course of American development? Some of the more obvious manifestations are here submitted in evidence.

I

To begin at the beginning, food played a vital rôle in bringing about the discovery of the Western Hemisphere. In the Middle Ages spices constituted an important item in the dietary of the upper classes in Europe. These condiments not only rendered the coarse and monotonous fare more palatable, but, in the absence of cold storage and adequate methods of curing, were considered the best means of preserving edibles from putrefaction. Spices were so highly prized that sovereigns sometimes exchanged them as ceremonial gifts. The sole source of supply was the Far East, whence the precious cargoes, supplemented with other rare products, came slowly by boat and caravan to the Levant, constantly exposed to danger from both marauders and the elements.

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[1] This paper was read at the February, 1946, meeting.

The Ottoman Turks conquering Asia Minor in the latter part of the fifteenth century created new difficulties for this trade, and though they did not actually end it, the danger of their doing so remained.[1] Moreover, the aspiring monarchs on the Atlantic side of Europe saw a chance to appropriate some of the wealth of the Indies if they could only discover a new and better route to the East. Two possibilities offered, each by sea and each immune to the Turkish peril. The Portuguese sent their mariners southward along the edge of Africa, eventually rounding the Cape of Good Hope. Columbus, with the backing of Ferdinand and Isabella, set his prow boldly westward. Portugal succeeded; Spain had to be content with finding a New World.

Though Columbus failed to reach the land of spices, he and his fellow adventurers made ample amends by laying bare a treasury of foodstuffs such as the Old World had never imagined.[2] Their discoveries ushered in a dietary revolution unparalleled in history except possibly for the first application of fire to the preparation of food. Picture the many centuries during which the people of the Eastern Hemisphere subsisted without white potatoes, tomatoes, and corn, and you have some notion of the extraordinary gastronomic advance that took place. For good measure, add such foodstuffs as pumpkins, squashes, the many varieties of beans, sweet potatoes, turkeys, cranberries, maple syrup, blackberries, blueberries, raspberries, strawberries, chestnuts, crab apples, and peanuts. In the four and a half centuries since Columbus blundered into the New World, the European newcomer in America has not succeeded in developing a single important native staple beyond those he took over from the Indian. If historians dealt more with the simple annals of life and less with grand affairs of state, they might well date the close of the Middle Ages and the dawn of modern times from this transformation of mankind's bill of fare. Today, it is estimated, four-sevenths of the agricultural output of the United States consists of plants (including tobacco and an indigenous species of cotton) which were discovered with America.

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[1] A. H. Lybyer, "The Influence of the Ottoman Turks upon the Routes of Oriental Trade," American Historical Association, *Annual Report for 1914*, I. 125–133. For the place of spices in the European dietary, see V. F. Calverton, *The Awakening of America* (New York, 1939), 8–12, and A. H. Verrill, *Perfumes and Spices* (Boston, 1940), 3–6, 59–60.

[2] The discussion that follows is based upon A. H. Verrill and O. W. Barrett, *Foods America Gave the World* (Boston, 1937); E. E. Edwards, "American Indian Contributions to Civilization," *Minnesota History*, XV (September, 1934), 263–271; and W. E. Safford, "Foods Discovered with America," *Scientific Monthly*, XXI (August, 1925), 181–186.

From Europe the colonists brought wheat and other small grains, many kinds of vegetables, the larger fruits, and poultry, hogs, and cattle. The introduction of farm animals proved a special boon in the early days, for apart from turkeys the new country had nothing of the kind to offer. Even some of the native foodstuffs, notably the potato and the tomato, were not immediately known to the settlers.

The white potato, immemorially cultivated by the Indians of Peru, reached the British in North America after a strange odyssey of two hundred years involving four crossings of the Atlantic. Taken to Spain early in the sixteenth century shortly after Pizarro's conquest of the Incas, it was quickly naturalized there, and, apparently in the 1560's, Spanish colonizers bore it with them to Florida. Some marauding Englishmen under Sir John Hawkins, coming upon the tuber in its new habitat, next conveyed it to the British Isles, where in due course it displaced the parsnip as the basic food crop of the Irish. Early in the eighteenth century settlers from the Emerald Isle took it on its fourth transatlantic voyage, this time to the American colonies, where, its distant history forgotten, it became known as the Irish potato, a name it has ever since retained in the United States.[1]

The tomato had almost as singular a career. The Indians of Mexico and South America had eaten it for untold ages, but the white man in both Europe and America believed it poisonous and for more than three centuries valued it only as an ornamental garden plant. Not till the second quarter of the nineteenth century did the "love apple," as it was generally called, reach the American table.[2] As if to make up for past neglect, it leaped into great popularity, being used in soups, ketchup, and other culinary concoctions, as well as raw. Anticipating the twentieth-century vogue, physicians proclaimed its marvelous therapeutic qualities, while patent-medicine vendors did a rushing business with "Compound Tomato Pills" and "Compound Extract of Tomato."[1]

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[1] Verrill and Barrett, *Foods America Gave the World*, 27–29; A. W. Bitting, *Appertizing* (San Francisco, 1937), 545, 599; E. P. Prentice, *Hunger and History* (New York, 1939), 130–134.

[2] The name "love apple" was a translation of the French *pomme d'amour*, which in turn was a corruption of the Italian *pomo dei Moro*, indicating the introduction of the tomato by way of Morocco and Moorish Spain into Italy.

Unlike its two principal rivals, corn (or maize, as most countries call it) was known to the colonists from the start and profoundly influenced the course of settlement. The white man learned its many uses and methods of tillage from the Indians. After the native fashion he ate it in the form of mush, hominy and grits, stewed corn, syrup, bread, pudding, roasting ears, popcorn, and dried kernels; and, as befitted the apostle of a higher civilization, he discovered how to convert it into an alcoholic beverage. Thanks to Indian stores of maize, the founders of Jamestown and Plymouth escaped starvation, and many years later, when the first backwoodsmen pushed across the Alleghenies, they too managed to survive by living off supplies obtained from the red man.

Corn was a favorite, indeed an indispensable, crop of the settler, never approached in importance by wheat. Besides furnishing them with a far greater variety of dishes for the table, corn possessed the advantage of requiring no plowing and relatively little seed, and of yielding three or four times as large a return in a much shorter season. Wild game and fresh-water fish might sustain the pioneer temporarily, but it was corn, easily and quickly grown, that assured him and his family an ample and never-failing fare. "Suppose our fathers had to depend on wheat for their bread," reflected a Tennessean of later days with pardonable exaggeration. "It would have taken them a hundred years longer to reach the Rockies."[2]

Indirectly, maize also provided the settler with his chief source of meat, for hogs, fed on corn fodder and needing little care, grew to full size in a single season.[3] Pork, cured in brine, became his staff of life, the principal reliance three times a day and seven days a week. In the circumstances salt acquired an extraordinary importance. As the difficulty of obtaining it increased with greater distance from the briny Atlantic, the settler faced in reverse the situation confronting his spice-seeking forebears in Europe, for the consequence was to discourage rather than to encourage far adventuring. In the early years the frontiersmen sent pack trains back to the coast for an annual supply, but after a time this became impracticable. They then sought out the saline springs and deposits which the savages and wild animals used. Not the least of Daniel Boone's services in breaking the path for civilization was his skill in finding salt licks.

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[1] These remedies were advertised to cure dyspepsia and diarrhea, prevent bilious attacks, and build up resistance against cholera. Madge E. Pickard and R. C. Buley, *The Midwest Pioneer, His Ills, Cures, & Doctors* (Crawfordsville, Indiana, 1945), 282–283. For the tomato's earlier history, see Verrill and Barrett, *Foods America Gave the World*, 34–35, 40–41; and Bitting, *Appertizing*, 638–639.

[2] E. C. Brooks, *The Story of Corn and the Westward Migration* (Chicago, 1916), 134.

[3] R. B. Vance, *Human Geography of the South* (Chapel Hill, 1932), 416; P. W. Bidwell and J. I. Falconer, *History of Agriculture in the Northern United States, 1620–1860* (Washington, 1925), 31–32, 111, 167–168, 435–438.

Westward migration did not gather real momentum, however, until the backwoodsman in the 1790's and the years following developed his own salt works on a commercial scale—in central New York, in western Pennsylvania, and particularly in the Great Kanawha basin of the present West Virginia. Ohio and Kentucky as a means of attracting settlers passed legislation for promoting local production. By 1810 the districts along the Ohio River and its branches furnished nearly three-quarters of the nation's total output, with Cincinnati, famed as "Porkopolis," the chief distributing center.[1] The West, assured of abundant and cheap salt, looked confidently to the future.

II

That the trans-Allegheny country was an outlying district of the United States rather than of the British Empire reflects still another dietary influence in American history. The thirteen colonies parted from the mother country when, as Anthony Trollope tersely put it, they felt "big enough to go it alone."[2] Though many things nurtured this sense of self-reliance, none perhaps proved more important in the long run than a plentiful food supply. No need for essential foodstuffs tied the colonists to the rest of the world, least of all to England. On the contrary, they had developed a profitable export business out of the surplus of their grain, pork, and beef, and the catches of the Newfoundland fisheries. This trade, far from weakening America's economic position, impressed patriots as a source of future national strength. As Tom Paine summed up the argument in *Common Sense*, "The commerce by which she hath enriched herself are the necessaries of life, and will always have a market while eating is the custom of Europe."[1]

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[1] F. J. Turner, *The Frontier in American History* (New York, 1920), 17–19; Isaac Lippincott, "The Early Salt Trade of the Ohio Valley," *Journal of Political Economy*, XX (December, 1912), 1029–1052; T. S. Berry, *Western Prices before 1861* (Cambridge, 1943), 286–288, 295–296; B. W. Bond, Jr., *The Civilization of the Old Northwest* (New York, 1934), 406–408.

[2] Anthony Trollope, *North America* (New York, 1862), 8.

Though self-sufficiency in edibles fostered self-sufficiency in feeling, it was the home government which rashly set in motion the train of events that precipitated the war for independence. To a degree we are apt to forget, England's program of imperial control, adopted after her long struggle with France for North America, involved foreign articles of diet dear to the colonists. Moreover, the business of supplying these products had come to represent a substantial economic stake. Though they were mere accessories to the American table, the new policy created irritations that aroused the people to reëxamine their constitutional relations with King and Parliament.

The first friction arose over molasses. Since the early days of settlement this syrup, imported from the West Indies, had served as a cheap substitute for sugar, and in the eighteenth century it found a new use as the raw material for distilling rum. As an alcoholic stimulant rum commanded universal favor, provided countless jobs, especially in New England, in the manufacturing and selling ends of the business, and furnished a key commodity of exchange in the African slave trade.[2] According to an English law of 1733 most of the molasses was illicitly imported, but the ministry did not take vigorous steps to execute the act till 1763. A year later Parliament, hoping to facilitate enforcement and enlarge the revenue, decreased the former prohibitive duty.

The colonies blazed with resentment. Newspaper writers predicted exorbitant prices for both molasses and rum, accompanied by the closing of distilleries, widespread unemployment, and the loss of the lucrative slave traffic. Soon they made the convenient discovery that the tax was also unconstitutional. Public meetings, merchants' committees, and provincial legislatures swelled the outcry. While the fires were still mounting, the passage of the Stamp Act added fuel to the flames. In the end, Parliament backed down, repealing the stamp taxes in 1766 and lowering the molasses duty to a supportable figure.[1] Long afterward John Adams wrote: "I know not why we should blush to confess that molasses was an essential ingredient in American independence. Many great events have proceeded from much smaller causes." Lest too great self-interest be attributed to Yankee distilling interests, he noted that General Washington had "always asserted, and proved, that Virginians loved molasses as well as New Englanders did."[2]

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[1] Thomas Paine, *Complete Writings*, P. S. Foner, Editor, (2 volumes, New York, 1945), I. 18.

[2] J. A. Krout, *The Origins of Prohibition* (New York, 1925), 36–39, 47–50.

No sooner was this initial crisis surmounted than tea took the center of the stage. After the fashion in England, this beverage had become the favorite American nonalcoholic drink. Hence, when Parliament in the Townshend Act of 1767 placed a duty on tea and certain other provincial imports, the ministry, discounting the colonists' objections to taxation without representation, confidently expected their palates to prevail over their principles. The patriots in great alarm launched agreements to boycott all British commodities until the Townshend duties should be repealed. Journalistic scribes, lending their support, maintained that the herb was responsible for most modern diseases, that since its introduction from the Orient, Europe had fallen victim to "spasms, vapors, hypochondrias, apoplexies of the serous kind, palsies, dropsies, rheumatisms, consumptions, low nervous, miliary and petechial fevers."[3]

One rhymester attributed the decline of British statesmanship largely to the same cause:

> When mighty Roast beef was the Englishman's food,
> It ennobled our veins, and enliven'd our blood,
> Our soldiers were brave, and our courtiers were good.
>
> When good Queen Elizabeth sat on the throne,
> Ere coffee and tea, and such slip-slops were known,
> The world was in terror if ere she did frown.

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[1] A. M. Schlesinger, *The Colonial Merchants and the American Revolution* (New York, 1918), 47–49, 52–53, 55–61, 83–85.

[2] *The Works of John Adams, Second President of the United States*, Charles F. Adams, Editor, (10 volumes, Boston, 1850–1856), x. 345.

[3] Dr. Thomas Young in *Boston Evening-Post*, October 25, 1773. See also "Trahlur" in *Boston Post-Boy*, November 30, 1767; "A Countryman" in *Boston Gazette*, August 29, 1768; and "Philo-Alethias," in *Pennsylvania Journal*, December 22, 1773. The little New Hampshire town of Hinsdale entered a quiet rebuttal by offering to give up the disease-breeding drink when its defamers should give up the "more pernicious" rum. *New-Hampshire Gazette*, June 17, 1774. Schlesinger, *Colonial Merchants and the American Revolution*, Chapters III–VII, gives a detailed account of the tea controversy.

Our lawyers were virtuous, ne'er sought for applause,
By confounding with *purport* and *tenour* the laws,
Nor framing of bills against liberty's cause.

But behold how the times have changed:

The Britons, that once were inured to fight,
Now tamely sit down their petitions to write,
Which serve for a laugh, and the boys for a kite.[1]

As substitutes for the East Indian product the press tried to popularize beverages brewed from native plants, such as "Labradore tea" concocted from raspberry leaves. But makeshifts could not long satisfy a taste accustomed to the genuine article, and the issue hung precariously in the balance until smugglers found ways of bringing in sufficient supplies from Dutch sources. This alternative to the tax-laden herb enjoyed the double advantage of conforming to patriotic precepts and of underselling the legally imported kind—an irresistible combination. Denunciations of the tea habit on medical grounds subsided, and the ban against English imports grew stiffer.

In 1770 Parliament proffered an olive branch to the colonists by rescinding all the Townshend duties but the one on tea. It was retained, the King said, "to keep up the right." The ministry believed that, with the other taxes removed, the Americans would cease to oppose the lone remaining levy. The stratagem succeeded, for the people, weary of strife and placated by a partial victory, allowed the boycott agreements to collapse or fall into abeyance. Even John Adams admitted that at John Hancock's he "drank green tea, from Holland, I hope, but don't know."[2] Only New York and Philadelphia, where the smugglers reigned supreme, kept up the resistance.

Had Britain been content to let well enough alone, the final break with the colonies might have been long postponed. In 1773, however, Parliament empowered the East India Company to market its tea in America through its own agents at a price undercutting both the regular dealers and smuggling traders. This action angered the colonial tea merchants and gave the patriot leaders their opportunity to revive the old animosities against England. More than verbal appeals were necessary, however, since the public, which had been freely imbibing dutied tea obtained from private dealers, could hardly be

[1] Anonymous, "The Roast Beef of Old England," *Massachusetts Spy*, December 16, 1774.

[2] Adams, *Works*, II. 255.

expected to draw the line at the cheaper article offered by the East India Company. The only sure course was to prevent the offending leaves from going on sale. This the patriots succeeded in doing peaceably everywhere except in Boston, where Governor Hutchinson's stubbornness forced them to dump the chests into the harbor.

The famous Tea Party constituted an act of vandalism which Britain could not ignore. In retaliation Parliament radically altered the Massachusetts form of government and shut the Port of Boston until full reimbursement should be made. The other provinces, believing their own liberties involved, hastened to make common cause with Massachusetts. There is no need to repeat the familiar story. In the onrush of events peaceful opposition changed first into armed rebellion and then into open revolution. John Adams might well have included tea with molasses as an essential ingredient of American independence.

Ironically enough, a dispute indirectly related to food provoked the first open defiance of the new government set up under the Constitution. The back-country farmers, prevented by the mountains from transporting their grain to the seaboard markets, had solved the difficulty by converting their surplus corn and other cereals into the easily portable and highly profitable form of whisky. An excise law of 1791 taxing distilled liquors seemed as unjust and oppressive to them as had the molasses and tea duties to the colonists. North Carolina, Virginia, and Maryland contented themselves with formal legislative protests, but the people in western Pennsylvania mobbed revenue collectors and excise payers. Finally, in 1794, when the government mobilized 15,000 militia against the malcontents, the so-called Whisky Rebellion came to a bloodless close.[1] Congress did not remove the tax until eight years later, but by that time the hard-pressed farmer had found a new market in the rapidly growing settlements of the Ohio Valley, where he sold his corn in the form of hogs instead of hogsheads. Never again would a controversy turning on food challenge the might of constituted authority.

III

What the average American ate never failed to fascinate foreign sojourners. Coming from lands where the growth of population constantly pressed upon the means of subsistence, they marveled at the profusion and variety of dishes which the American regarded as his birthright. Conditions in the New World, of course, differed from those in the Old. The ratio of humanity to land was reversed, food was plentiful and cheap, and the robust outdoor life stimulated an appetite of Gargantuan proportions. The aging nineteenth century brought greater restraint at the table, especially among sedentary city folk, but in the rural districts the old ways survived for many years more.

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[1] L. D. Baldwin, *Whiskey Rebels* (Pittsburgh, 1939); J. B. McMaster, *A History of the People of the United States* (8 volumes, New York, 1883–1913), II. 41–43, 189–203.

Captain Basil Hall, visiting the United States in 1827–1828, described his first breakfast in New York as consisting of shad, mutton cutlets, "a great steaming, juicy beefsteak," rolls, and "regiments of hot toast, with oceans of tea and coffee."[1] As he and other travelers quickly learned, the noon and evening meals were mere elaborations of the introductory one. Corn in various guises could always be counted on, also a plethora of pastries and sweetmeats; while the more substantial viands included "pork, salt-fish, tough poultry, and little birds of all descriptions." Conspicuously absent were milk, fresh fruit, and leafy vegetables, those modern allies of a healthful diet.

Hurry marked both the cooking and consuming of food. In the average household nearly everything was fried that could be—the quickest way of preparing it—while the bread and pastry would have wrecked the constitution of a less hardy people. The introduction of the cookstove in the 1820's and 1830's, in place of the oven-flanked open fireplace, seemed only to worsen matters, encouraging even greater haste in cooking and providing new and irresistible opportunities for robbing victuals of sustenance and flavor.[2]

A mid-century English visitor forebodingly recalled Brillat-Savarin's aphorism in *La Physiologie du Goût*: "The destiny of nations depends upon the manner in which they nourish themselves."[3] As late as 1870 a native writer confessed that though no other country had "such an abundance of good raw material for the supply of the dietetic necessities . . . there is hardly a nation that derives so little enjoyment and benefit as the American from its resources. . . . We have so much that we undervalue it, and deem it unworthy of the care which is necessary in its preparation for wholesome nutriment."[1] In the circumstances eating was a grim business characterized by resolute application and no conversation. The national motto, one observer decided, was "gobble, gulp, and go."[2]

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[1] Basil Hall, *Travels in North America in the Years 1827 and 1828* (Edinburgh, 1829), I. 7. For other accounts of meals, see Isaac Weld, *Travels through the States of North America* (2nd edition, London, 1799), 41–42; C. W. Janson, *The Stranger in America* (London, 1807), 80; John Palmer, *Journal of Travels in the United States* (London, 1818), 150–151; J. M. Duncan, *Travels through Part of the United States* (Glasgow, 1823), II. 318–319; Adam Hodgson, *Letters from North America* (London, 1824), I. 30–32; Henry Tudor, *Narrative of a Tour in North America* (London, 1834), I. 37; T. H. James, *Rambles in the United States and Canada* (London, 1846), 37; T. C. Grattan, *Civilized America* (London, 1859), I. 106–107.

[2] Harriet Beecher Stowe, "House and Home Papers" (1864), reprinted in her *Household Papers and Stories* (Boston, 1896), 170–171.

[3] Grattan, *Civilized America*, I. 108. In like strain the anonymous author of *The American*

The effects of this ill-balanced, ill-cooked, hastily devoured fare on physical fitness occasioned frequent comment. The Frenchman, Count Volney, believed that "if a premium were offered for a regimen most destructive to the teeth, the stomach, and the health in general, none could be devised more efficacious for these ends than that in use among this people."[3] Perhaps it was more than a mere convention of speech that Americans, eschewing the hearty English salutation of "Good morning!" generally asked, "How do you do?"—an inquiry as to one's ailments. Physicians and others, though unaware of such food constituents as minerals, proteins, and vitamins, nevertheless attributed to bad dietary habits the prevalence of dyspepsia, the ravages of scurvy, the early fading of women, the high infant mortality, and the quick decay of teeth.[4] It has been suggested that America's early preëminence in dentistry stemmed from the ex-

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Code of Manners (New York, 1880) wrote (page 80): "To cook indigestible lumps of pastry, to feed a nation on pies, on heavy bread—who can expect greatness, wisdom or honesty from a nation of moody dyspeptics?"

[1] [Robert Tomes], *The Bazar Book of Decorum* (New York, 1870), 183–184. See also Stowe, *Household Papers and Stories*, 154–157.

[2] A. M. Maxwell, *A Run through the United States* (London, 1841), I. 69. See also Thomas Hamilton, *Men and Manners in the United States* (Edinburgh, 1833), I. 24–25, 33, and the foreign travelers earlier cited.

[3] C. F. Volney, *View of the Soil and Climate of the United States*, C. B. Brown, Translator, (Philadelphia, 1804), 257.

[4] R. O. Cummings, *The American and His Food* (Chicago, 1940), 23–24; Jane L. Mesick, *The English Traveller in America, 1785-1835* (New York, 1922), 59, 90–91, 104. Cummings points out, however, that the nutritional standards of today are not necessarily applicable to conditions a century ago because people then "benefited from a vigorous life with plenty of sunshine and fresh air and so, perhaps, had less need of protective foods" (24). A scholar, writing in 1926, attributed the institutional and social backwardness of the South in considerable part to the widespread consumption of "greasy, heavy pork dishes and the hot, soggy breads found so abundantly, especially under the plantation system." See Julian P. Boyd, "Hog and Hominy: a Gastronomic Interpretation of Southern History," *The Archive* (Trinity College, Durham, N. C.), XXXVII (January, 1926), 5–9.

ceptional need and the unusual opportunities for practice. At any rate, the first dental college in the world was opened at Baltimore in 1840. Thirst-provoking salt meat perhaps explains the overindulgence in hard liquor which in the early nineteenth century shocked humanitarians into organizing the original temperance movement.

Finally, the characteristic American physique resulted largely from what and how the people ate—the women "lean as greyhounds," whom Thackeray observed on his transatlantic trip in the 1850's, and the typical male, whom George William Curtis described as spare-framed, "sharp-faced, thought-furrowed," with "anxious eye and sallow complexion."[1] The day was to come when, with improved cookery, better-balanced meals, and a leisurely enjoyment of the table, this wiry, worried-looking figure would be less in evidence, but meanwhile he was adopted as a national symbol in Uncle Sam.

The reform crusaders of the 1830's and 1840's, assailing man's inhumanity to man on every front, did not overlook America's reckless table practices. One ardent soul went so far as to propose a Society for the Suppression of Eating, though all he really intended to suppress was gluttony.[2] Sylvester Graham proved a more persuasive champion. Beginning as a lecturer against alcoholic stimulants, he soon decided that intemperance in food was an even greater evil. It was not, however, sufficient to eat less: people should also eat more wisely. Specifically, they should replace meat, tea, coffee, and condiments with fresh fruits, milk, and a vegetable fare featuring rough cereals and whole-wheat products. As still other aids to health he advocated cold bathing and daily exercise.

Grahamism, though exposing the master on one occasion to violence at the hands of Boston butchers and bakers, struck a responsive chord in humanitarian circles. According to the *Health Journal and Advocate*, one of the numerous Grahamite organs, it was "peculiarly suited to raise man from a state of sensual degradation and raise him to the rank, which as a rational and immortal being, nature intended he should occupy."[3] Knots of disciples in various localities set up societies and boarding houses. The mass of the people, however, remained indifferent, and in due course even many of the zealots relapsed into the older, comfortable ways. Nevertheless the cause did not wholly fail, for it won a modest immortality in the form of Graham bread and Graham crackers.

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[1] The quotations are from James F. Rhodes, *History of the United States* (8 volumes, New York, 1892–1919), III. 66.

[2] C. C. and Sparkle M. Furnas, *Man, Bread and Destiny* (New York, 1937), 54–55.

[3] Quoted in R. H. Shryock, "Sylvester Graham and the Popular Health Movement, 1830–1870," *Mississippi Valley Historical Review*, XVIII (September, 1931), 172–183. See also Cummings, *American and His Food*, 44–51, and R. S. Fletcher, "Bread and Doctrine at Oberlin," *Ohio State Archeological and Historical Quarterly*, XLIX (January–March, 1940), 58–67.

Though preachments could not carry the day, mute changes in living conditions helped gradually to reform the American bill of fare. As people concentrated in cities and worked at indoor tasks, the stomach became less voracious, less insistent on meat. Urban dwellers, moreover, depended mostly on what they could buy, not on what they raised for themselves; and the rapid extension of steam transportation, beginning in the 1830's, greatly enlarged their range of choice, including edibles brought from afar. To protect perishable shipments the railroads about 1840 began to install iceboxes, and late in the 1850's they introduced the refrigerator car, which attained its fullest use, however, after the Civil War, when the adoption of a uniform width of track assured longer continuous routings. Every year produced a greater abundance of fresh fruits, vegetables, and milk for city purchasers. Meanwhile the advent of the household refrigerator and of the commercial cold-storage plant helped lessen their servitude to salt-cured meat.[1]

If the urban housewife had less opportunity than her country cousin to preserve comestibles, enterprising merchants and manufacturers saw to it that her family did not suffer thereby. Learning the method of hermetical sealing from France in the 1820's, they at first offered their goods in glass jars. Sales lagged, however, till the 1840's, when they substituted tin cans for the more fragile containers. The California gold rush in 1849 swelled the demand, and the government during the Civil War helped by supplying condensed milk and canned fruits and vegetables to the Army.[2] A few years later, beef, tongue, and various soups could be bought in cans, and improved refrigerator cars were carrying dressed meat from the large Chicago packing houses to all parts of the land. The next great advance awaited the 1920's when the quick-freeze process showed how the original flavor of fruits, vegetables, and other foods could be retained.

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[1] Cummings, *American and His Food*, Chapters III and V.

[2] The part played by the soldiers in popularizing canned goods is doubtless reflected in the leap of the total output from 5,000,000 cans in 1860 to 30,000,000 in 1870. *Ibid.*, 69. For the whole story, see Bitting, *Appertizing*, *passim*; James Collins, *The Story of Canned Foods* (New York, 1924), *passim*; R. A. Clemen, *The American Livestock and Meat Industry* (New York, 1923), Chapters IX–XI.

A Vermont farm wife faithfully keeping a record of her baking for the year 1877 found she had made 152 cakes, 421 pies, 1,038 loaves of bread, and 2,140 doughnuts.[1] The urban spouse could purchase all these over a counter and, moreover, avoid the time-consuming toil of putting up a corresponding amount of vegetables and fruits. "Housekeeping is getting to be ready made, as well as clothing," exulted a women's magazine.[2] As a result many middle-class women in the cities were freed for a larger participation in the world of affairs. By the same token, housewives were enabled, if so minded, to devote more time and thought to the art or science of cooking.

The changed attitude toward preparing food for the table appeared in manifold ways. Shortly after the Civil War magazines began to urge the superiority of European cookery upon their readers, the *Galaxy*, for example, publishing articles by Pierre Blot, the famous Parisian chef.[3] Metropolitan newspapers, falling into line, inaugurated regular departments devoted to recipes and the planning of meals. In the 1870's special schools for cooking were founded in the principal cities. Juliet Corson, Maria Parloa, and Sarah T. Rorer, directors respectively of the institutions in New York, Boston, and Philadelphia, gained a nation-wide repute as culinary authorities. In the 1880's courses on the subject entered the public schools. Meanwhile a host of new cookbooks flooded the market. Unlike the older treatises, they encouraged the timid by specifying uniform and accurate measurements of ingredients.[4]

Observers began to notice a change in the American physique. During the 1880's dealers in ready-to-wear clothing found it necessary to adopt a larger scale of sizes. Looking back over fifty years, a person familiar with New York and Boston declared in 1895: "The men are more robust and more erect, the women have greatly improved both in feature and carriage; and in the care and condition of the teeth in both sexes a surprising change has taken place."[1] The attenuated Uncle Sam was coming less and less to resemble his compatriots. Though many factors were responsible, probably the single most important one was the more wholesome and better-cooked fare.

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[1] *Harper's Bazar*, XI (December 7, 1878), 783.

[2] Anonymous, "Ready-made Housekeeping," *Good Housekeeping*, V (October 1, 1887), 266.

[3] *Galaxy*, I (July 1, 1866), 460–462; II (October 1, 1866), 215–220; IV (October, 1867), 748–752; VIII (July, 1869), 133–135.

[4] Cummings, *American and His Food*, 70–72, 81–82. The increased attention to the subtleties of seasoning is indicated by the doubling of the amount of pepper, pimento, cloves, and nutmegs imported between 1883 and 1888. D. A. Wells, *Recent Economic Changes* (New York, 1889), 384–385.

IV

The special character of the United States as a nation of immigrants is also to be explained partly by food. Many things attracted the European common man across the Atlantic during the nineteenth century, but none epitomized the land of opportunity so concretely and appealingly as the abundance and cheapness of provisions. "America letters," written to relatives and friends back in the old country, and passed about until the pages wore thin, carried the fabulous tidings to a people constantly fearful of hunger. "Tell Thomas Arann to come to America," exhorted a British arrival, "and tell him to leave his strap what he wears when he has nothing to eat in England, for some other half-starved slave. Tell Miriam there's no sending children to bed without supper." "There is a great many ill conveniences here," wrote an Irishman, "but no empty bellies." "The poorest family," said another immigrant, plainly risking his reputation for veracity, "adorn the table three times a day like a wedding dinner—tea, coffee, beef, fowls, pies, eggs, pickles, good bread." "I would not return to Norway again," commented a newcomer from that country, "and eat the dog's food which they eat there."[2]

The failure of the Western European potato crop in 1845, 1846, and 1848 gave tragic emphasis to such contrasts. This disaster, spreading woe through England and the Continent, spelled total famine for the Irish peasants, who based their whole existence on the root. Men, women, and children, racked with hunger and disease, died at their hearths, or roamed hopelessly over the highways, abandoning the enfeebled by the wayside. During these black years nearly a fourth of the population perished. Relief ships from the United

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[1] *Ibid.*, 348–349; F. J. Kingsbury, "The Tendency of Men to Live in Cities," *Journal of Social Science*, XXXIII (1895), 15.

[2] The quotations are from M. L. Hansen, *The Atlantic Migration, 1607–1860* (Cambridge, 1940), 157–158; Carl Wittke, *We Who Built America* (New York, 1939), 102; and T. C. Blegen, *Norwegian Migration to America* (Northfield, Minnesota, 1931–1940), I. 201. Statistical support for the assertions is offered in M. G. Mulhall, *Balance-Sheet of the World for the Ten Years, 1870–1880* (London, 1881), which compares the annual per-capita consumption of meat and grain in eight European countries with that in the United States.

States brought not only money and provisions, but also the incentive to make a new start in a happier clime. Between 1846 and 1849 the Irish exodus to America rose from 92,500 to 205,000, with over 650,000 more in the decade of the fifties. Emigration increased also from England, Germany, and the other ravaged countries.[1] The image of the United States as a land flowing with milk and honey became indelibly etched on the minds of the European poor.

From colonial times on, the peoples of non-English stock repaid America for her bounty by enriching the national menu with their own traditional dishes.[2] Gastronomically as well as ethnically the United States became the most cosmopolitan country in the world. The Germans, early on the scene and largest of the Continental strains, contributed such specialties as frankfurters, hamburgers, liverwurst, sauerkraut, cottage cheese, rye bread, pumpernickel, zwieback, strudel, pretzels, and dill pickles. The Irish added corned beef and cabbage and Irish stew; the Scots, oatmeal and barley broth; the Dutch, doughnuts and waffles; the French, consommé and fried frogs' legs; the Italians, macaroni, spaghetti, ravioli, minestrone, and antipasto; the Hungarians, goulash; and the Russians, caviar and borsch. From the other side of the globe came chow mein, egg fuyung, preserved kumquats, and other Chinese-introduced delicacies, while from south of the United States, largely by way of territory conquered from Mexico, came chile con carne, tamales, and tortillas.

Americans unfamiliar with other countries can hardly appreciate the extent to which the melting pot has been also a cooking pot.[3] There are few things about which most peoples are so stubbornly nationalistic as what they eat. Except in Italy, Hungary, and parts of Germany, corn is regarded by Europeans as a food fit only for beasts. The English, living across the Channel from France, reject the lighter, more savory Gallic dishes for roast beef, watery sprouts, pasty white sauces, and suet pudding. The Viennese, relishing veal, scorn mutton, though a few hundred miles away mutton constitutes the staple meat of the Serbs and Turks. San Francisco's restauranteurs, laying plans for the United Nations Conference in 1945, held anxious meetings to anticipate the culinary biases of the delegates and thus facilitate the formation of the new world charter. "Peace in our time can well depend upon whether we soothe or insult the gastronomic tastes of our guests," declared a leader of the group.[1] Who can say that they wrought in vain?

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[1] Hansen, *Atlantic Migration*, Chapter XI; McMaster, *History of the People of the United States*, VII. 221–227; Wittke, *We Who Built America*, 130–132.

[2] The complete story of the dietary consequences of immigration would include migratory insects as well as migratory humans, particularly such destructive creatures as the Mediterranean fruit fly, the European corn borer and the Hessian fly. See Anthony Standen, *Insect Invaders* (Boston, 1943).

[3] The American Missionary Association in its campaign for better intercultural understanding capitalized upon this fact by devoting one of its series of posters entitled "The Races of Mankind" (1945) to the theme: "The Foods We Eat Are a Gift from All Peoples."

The global character of the American diet, if due principally to immigrant contributions, gained further variety from commercial enterprise. Even in colonial days dried prunes, currants, and raisins were imported from the Mediterranean, not to mention tea from the East Indies; shortly after 1800 the first bananas appeared—thirty bunches from the West Indies—and in the 1830's the initial cargoes of Sicilian oranges and lemons arrived. Over the years the list greatly lengthened, including olives, figs, pineapples, cane sugar, spinach, soybeans, and many kinds of nuts. Once these exotics attracted sufficient custom, the wide range of climate and soil led in nearly every instance to their domestication.[2] Local production by lowering the price in turn greatly increased the consumption.

With such a bewildering larder from which to choose, people nevertheless tended to prefer some dishes to others, and these come closest to giving a national stamp to the American bill of fare. A poll of eighteen hundred members of the Town Hall Club in New York in 1935 disclosed a considerable majority for steak as the main course and apple pie for dessert. The National Restaurant Association's canvass in 1936 of a larger and more diversified group (including politicians, writers, teachers, and athletic coaches) showed corned beef and cabbage vying with steak for top place. Expressing their own judgment, the restaurateurs in national convention at Los Angeles in 1942 ranked America's favorite viands in this order: ham and eggs, prime ribs of beef, steak, lobster thermidor, New England boiled dinner, fried oysters, baked Virginia ham, and breast of capon. Of nineteen thousand airplane passengers consulted in 1946, fifty-five per cent. chose filet mignon for their meat course, and seventy-two per cent. preferred ice cream to any other dessert.[3] Further samplings of opinion would almost certainly reveal still other popular choices, for the old adage *De gustibus non est disputandum* does not apply to matters of food. When President and Mrs. Franklin D. Roosevelt entertained the King and Queen of England at a picnic on the Hyde Park lawn, they could think of nothing more "American" to serve than grilled frankfurters cradled in rolls. And what about the national predilection for fried chicken, corn on the cob, milk, coffee?[1]

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[1] *New York Times*, December 31, 1944.

[2] *One Hundred Years of American Commerce*, C. M. Depew, Editor (New York, 1895), II. 602–604; E. H. S. and H. S. Bailey, *Food Products from Afar* (New York, 1922), *passim.*

[3] For these lists, see Simeon Strunsky, *The Living Tradition* (New York, 1939), 109–110, and

More typical of the United States perhaps than any or all these offerings is the standard American breakfast. Once hardly distinguishable from the noon and evening meals, it has become a light and wholesome repast, consisting generally of fresh fruit or fruit juices, cooked or uncooked cereal, toast, and coffee, perhaps topped off with bacon and eggs. Great industries have been founded on this change in breakfast habits, and cattle raisers have suffered proportionately from the shrinkage in consumption of meat.

V

Though the Whisky Rebellion was the last uprising of its kind, the dietary influence has entered significantly into the normal operations of American politics. No historian of the United States has yet explored the implications of Voltaire's remark, "The fate of a nation often depends upon the digestion of the minister," but the possibilities are inviting. The record would probably show that few statesmen have displayed the self-discernment of the juryman who, begging to be excused from further duty during a trial, explained: "I have a pain in my stomach and feel that not only the defendant but the whole court should hang."

A well-appointed meal, on the other hand, has long been a device used by political chieftains to compromise differences amidst the relaxing pleasures of the table. The fathers of the American party system, Thomas Jefferson and Alexander Hamilton, probably set the example with the famous dinner party in 1790 at which the Virginian

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"Topics of the Times," *New York Times*, April 24, 1942; United Air Lines, *You Told Us What You Wanted* (n.p., n.d.).

[1] The subject could be further pursued as regards dietary preferences on holiday occasions, notably Thanksgiving, when roast turkey reigns unchallenged. It was probably as much for morale as for gastronomic reasons that the War Department in 1944 shipped thirty million pounds of turkey to the troops overseas for their Thanksgiving, Christmas, and New Year's dinners. The "master Thanksgiving menu" included grapefruit juice, roast turkey with sage dressing, cranberry sauce, mashed potatoes, string beans, corn, celery, pumpkin pie, candy, nuts, and coffee. Associated Press dispatch, November 21, 1944.

secured the site of the national capital for the South in exchange for pledging the needed support to carry through Congress Hamilton's scheme for the federal assumption of state debts.[1] Gastronomy has also affected the attitude of the common voter. Through most of the nineteenth century the institution known as the barbecue furnished the favorite excuse for rural campaign gatherings. Huge crowds, attracted from miles around by a feast of hogs or oxen roasted whole, lingered on while stump speakers roasted the opposition candidates whole.

Not often, however, did a question of food emerge as an express campaign issue. In 1840 the Whigs, acclaiming the simple virtues of William Henry Harrison living allegedly in a log cabin with a barrel of hard cider, denounced in song the elegant ways of his rival, Van Buren:

> See the Farmer to his meal
>   Joyfully repair;
> Crackers, cheese, and cider too,
>   A hard but homely fare.
> Martin to his breakfast comes
>   At the hour of noon;
> Sipping from a china cup,
>   With a golden spoon.[2]

In 1900 the Republicans, switching the emphasis from frugality to abundance, helped to sweep William McKinley to victory with their slogan of the "full dinner pail." Secretary of War Elihu Root, one of the candidate's most influential supporters, assured the voters that never in the world's history had a people been "so well fed, well clothed and well housed."[3] Once more, in 1928, Republican spellbinders capitalized upon the party's supposed patent on prosperity by promising "a chicken in every pot and two cars in every garage." Their standard-bearer, Herbert Hoover, strangely blind to impending economic catastrophe, went so far as to proclaim the day in sight when undernourishment and want would be unknown and "poverty will be banished from this nation."[4]

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[1] Thomas Jefferson, *The Complete Anas*, F. B. Sawvel, Editor, (New York, 1903), 33–34.

[2] *Tippecanoe Songs of the Log Cabin Boys and Girls*, A. B. Norton, Editor, (Mt. Vernon, Ohio, 1888), 73. See also Cummings, *American and His Food*, 22–23.

[3] Matthew Josephson, *The President Makers* (New York, 1940), 113.

[4] *Republican Campaign Text-book, 1928* (n.p., n.d.), 21.

The relation of constituted authority to food matters appears more significantly in society's rising concern regarding the quality and quantity of the food supply. These actions in their broader context helped to undermine the traditional laissez-faire conception of government. Unsanitary milk prompted the earliest steps to control the quality. In 1856 Massachusetts took the initiative by banning milk adulteration, and in 1882 Newark, New Jersey, introduced the further safeguard of dairy inspection. Meanwhile, in 1874, Illinois advanced the cause by enacting a general food law.

As other commonwealths and cities fell into line, it became increasingly clear that the United States government should also take action. Dr. Harvey W. Wiley, who induced the Department of Agriculture in 1883 to undertake a continuing study of food adulteration, pioneered the way for federal regulation; but it took the tumult and shouting of the Muckrakers and, notably, Upton Sinclair's novel, *The Jungle*, with its sensational disclosures of conditions in the Chicago packing houses, to goad Congress into action. The legislation of 1906, based upon the interstate-commerce clause, required national inspection of meat and forbade "adulterated, misbranded or poisonous" foods of any kind.[1] Later years saw the government move farther in this direction, particularly under a statute of 1938. Today at least twenty federal agencies deal directly or indirectly with questions concerning foodstuffs or diet.

Along with measures to protect the consumer from deception went others to protect natural food resources from destruction. The march of the settler had left a bloody trail in the wasteful slaying of wild game and fish. The great auk and the heath hen, whose flesh had delighted colonial New England palates, suffered complete extinction, the auk vanishing by the middle of the nineteenth century and the heath hen not long after. Similarly the sky-darkening flocks of passenger pigeons, observed in the Mississippi Valley as late as the 1880's, dwindled from millions to nothing within the span of a single human generation. The rise of industrialism had further baneful effects. Thus the pollution of streams and shore waters by factory wastes helped to exterminate the salmon along the Atlantic Coast;

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[1] Though the Oleomargarine Act of 1886 and several other restrictive laws preceded the 1906 legislation, these earlier measures arose from competition within the food industry rather than from a desire to protect consumer interests. On the whole subject, see Stephen Wilson, *Food & Drug Regulation* (Washington, 1942), *passim.*

while the rapid expansion of commercial canning and packing checked in other ways Nature's powers of replenishment.[1]

The colonial governments saw little reason to impose restrictions upon hunting and fishing. Massachusetts is said to have prescribed a closed season for deer as early as 1694, but such laws were rare until the nineteenth century revealed the growing need. In 1818 Massachusetts passed an act to preserve game birds, Virginia followed in 1832, and within another thirty years most of the states took steps to watch over game birds or insectivorous birds, or both. In 1878 California and New Hampshire inaugurated the next stage by setting up game departments or commissions.

Meanwhile, in 1871, the United States government, alarmed by the decline of the fisheries, created the office of Commissioner of Fish and Fisheries, and in 1891 it established the first national forest reserve, partly in the interests of wild life. Other gains, incidental or direct, accrued from the rise of the militant conservation movement early in the twentieth century. Congress, for example, in 1913 stretched its interstate-commerce power to include the protection of migratory game birds, and in 1916 an Anglo-American treaty (subsequently extended to Mexico) accomplished a similar end with reference to Canada.

Such enactments, as has been seen, sometimes came too late to undo the damage. Moreover, enforcement was often inadequate. In the end, however, the American public became fully alive to the necessity of safeguarding the country's natural resources, animate as well as inanimate.[2]

Long before the migratory-birds treaty the food question had penetrated foreign relations. Perhaps no diplomatic dispute has run a more protracted and tortuous course than that involving fishing rights off the Newfoundland Banks and in waters between Canada and the United States. In one form or another it figured in Anglo-American negotiations from the peace treaty of 1783 to the agreement finally worked out with the help of The Hague Court of Arbitration in 1912. Sugar proved for a time another disturbing factor. To satisfy the national sweet-tooth enterprising Americans had developed extensive cane plantations in Hawaii and Cuba. Congressional legislation in 1890 and 1894 discriminating against the imported commodity created distress and unrest in both islands, precipitating revolts which eventually landed Hawaii in Uncle Sam's lap and converted Cuba from a Spanish dependency into a quasi protectorate of the United States.

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[1] *Fading Trails*, Charles Elliott, Editor, (New York, 1942), 11–12, 23–25, 148–150, 216–222, 227–235.

[2] T. S. Palmer, "A Review of Economic Ornithology," U. S. Department of Agriculture, *Yearbook for 1899*, 282; Elliott, *Fading Trails*, 33–35. Other governmental activities directed toward increasing food resources since the Civil War would include the work of the United States Department of Agriculture, of the state agricultural colleges, and of the state agricultural experiment stations in developing scientific principles of farming, such as the improvement of soil fertility and animal breeding, the combating of insect pests and plant diseases, *etc.* See *Readings in the Economic History of American Agriculture*, L. B. Schmidt and E. D. Ross, Editors, (New York, 1925), 465–495.

Meat also had its international repercussions. Embargoes by Britain, Germany, and other governments against American livestock and meat, on the ground that they were infected, engendered a decade or more of controversy, finally ended in 1891 by the establishment of adequate export inspection in the United States.[1] Beef again emerged into prominence in the 1920's and 1930's when, history reversing itself, the United States applied sanitary restrictions against the Argentinian commodity. A settlement negotiated in 1935 still lacks Senate ratification, probably because the imported meat would undersell the native article.

If the dietary influence conditioned diplomacy, it proved an even more considerable factor in war. Some historians maintain that Britain, notwithstanding her industrial requirements, refrained from recognizing the Confederacy in the early years of the Civil War because a series of crop failures created a popular demand for Northern wheat that outweighed the textile manufacturers' demand for Southern cotton.[2] Be that as it may, the Confederacy itself faced a critical situation on the food front. Addicted to one-crop agriculture with Cotton as King, the Southern people had long relied upon the North and Europe for much of their cereals, meats, hay, and salt. The tightening federal blockade by land and sea steadily strangled these sources of supply, forcing the Lower South to divert plantation land to the raising of food and forage. As one result, Georgia and Alabama by the fall of 1863 were able to serve as the granary of Lee's and Bragg's armies.

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[1] Clemen, *American Livestock and Meat Industry*, 280–281, 320–326.

[2] E. D. Fite, *Social and Industrial Conditions in the North during the Civil War* (New York, 1910), 17–21; L. B. Schmidt, "The Influence of Wheat and Cotton on Anglo-American Relations during the Civil War," *Iowa Journal of History and Politics*, XVI (July, 1918), 402–439. Donaldson Jordan and E. J. Pratt, *Europe and the American Civil War* (Boston, 1931), 206–207, believe that wheat "aided the North in France even more than it did in England." For dissents as to England, see E. D. Adams, *Great Britain and the American Civil War* (New York, 1925), II. 14; F. L. Owsley, *King Cotton Diplomacy* (Chicago, 1931), 567–569.

Such measures, however, were not systematically pursued. Moreover, the advancing Northern foe reduced the area for subsistence, while faulty transportation and an inefficient commissary department often kept existing stocks from reaching the places where they were needed. As the struggle lengthened, Confederate army rations had to be revised downward, and the troops sometimes marched or fought on empty stomachs. Behind the lines the cities fared worse than the country districts. In Atlanta, Mobile, Richmond, and elsewhere bread riots broke out and mobs pillaged the provision shops. Basil Gildersleeve, the soldier-professor at the University of Virginia, later wrote: "Hunger was the dominant note of life in the Confederacy, civil as well as military."[1]

The shortage of salt created a particular hardship, for not only were the outside sources whittled away, but the United States Army and Navy systematically seized or destroyed Confederate works, as in the Great Kanawha and Holston valleys of Virginia and at Vermilion Bay, Louisiana. Both soldiers and civilians suffered from this dietary deficiency, and Lee's horses fell prey to hoof and tongue diseases. Even more serious was the fact that the dearth of brine for curing bacon and other victuals caused untold amounts of nutriment to spoil before it could reach the consumer.[2] It can hardly be doubted that the food stringency hastened the failure of the War for Southern Independence.

By the time of the Spanish-American War salt had lost its importance as a preservative of army fare, but the more modern methods, refrigeration and canning, caused the greatest scandal of the short conflict. Beef so processed aroused General Nelson A. Miles, the commander in chief, to angry denunciation. Not a quarter or even a tenth of the meat was fit for human consumption, according to the Rough Rider, Theodore Roosevelt. The "embalmed beef" dispute raged in the press and in the halls of Congress. Two commissions of inquiry appointed by McKinley whitewashed the Secretary of War, but the public remained unsatisfied, and in the end the President dismissed him. It seems clear that, besides incompetence at the top, army officers on the ground failed to handle the meat with due regard to the tropical climate.[1]

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[1] Basil Gildersleeve, "A Southerner in the Peloponnesian War," *Atlantic Monthly*, LXXX (July, 1897), 339. On the general subject, see G. F. Milton, "Bread and Battle," *Technology Review*, XLVI (May, 1944), 426–427, 446, 448, 450; B. I. Wiley, *The Life of Johnny Reb* (Indianapolis, 1943), 90–107, 247, 252; C. H. Wesley, *The Collapse of the Confederacy* (Washington, 1937), 1–15; Rhodes, *History of the United States*, V. 359–384; F. B. C. Bradlee, *Blockade Running during the Civil War* (Salem, 1925), 64, 68–70, 80–82, 85, 317. The principal food problem in the North resulted from graft and profiteering in beef contracts for the Army in the early months of the war. F. A. Shannon, *The Organization and Administration of the Union Army* (Cleveland, 1928), I. 71–80.

[2] Ella Lonn, *Salt as a Factor in the Confederacy* (New York, 1933), is a detailed treatment.

In the two great conflicts of the twentieth century the production and distribution of food and food products at home became a central concern of the government, inseparably related to the conduct of field operations. By the new conceptions of warfare the entire population was involved. The army, to quote Newton D. Baker, was "merely the point of the sword." Civilians must help by tightening their belts and adjusting their diet to military demands; yet they must also keep physically fit, for on them fell the responsibility of expanding the output of weapons and machines and of multiplying agricultural supply to feed the Allied peoples and armies as well as their own soldiers.

In the first war with Germany the Food Administration accomplished these varied purposes. In order to decrease consumption it imposed licensing controls upon processors and wholesalers, but otherwise relied largely upon voluntary coöperation by the public, which rallied patriotically to the slogan: "Food will win the war." Wheatless and meatless days were observed without any compulsion other than popular opinion. The government spurred grain production partly by a guaranteed price on wheat.[2]

The second and more stupendous war carried the country farther along the same path. Lend-lease required shipments of food to the Axis-resisting nations even before America entered the struggle, and thereafter the unprecedented size of the armed forces intensified the drain on the national larder. The government, moreover, was resolved to avoid the soaring prices that had attended the previous war and also to ensure a fair distribution of the available provisions. The Office of Price Administration exercised most of the necessary powers, rationing essential food products and clamping restrictions upon the wholesale and retail prices of many commodities.[1] In order to increase the output of foodstuffs the government paid subsidies to the producers of meat, butter, and certain other staples so that they might make higher profits without charging the public higher prices.[2] Total war on a global scale thus elevated food to a pivotal position in the nation's military effort, a position it is unlikely ever to abdicate should war again plague mankind.

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[1] Ellis P. Oberholtzer, *A History of the United States since the Civil War* (5 volumes, New York, 1917–1937), v. 558–561, 601; Clemen, *American Livestock and Meat Industry*, 470–472.

[2] Extended treatments include M. R. Dickson, *The Food Front in World War I* (Washington, 1944), and W. C. Mullendore, *History of the United States Food Administration* (Stanford, 1941).

VI

Throughout the ages an adequate food supply has been humanity's greatest need and most persistent goal. "What keeps not only body and soul together, but the different classes in a nation, and connects nations with one another?" asked Francis Lieber more than a century ago.

> Throw a glance at the industry of a people; how they are employed in providing for—the stomach, and how many, not directly employed in this way, make instruments for the use of the farmer. Commerce exists mainly by the wants of the mouth; property receives value from these wants; and, in short, civilization, as well as our preservation, is intimately connected with—our appetite.[3]

Until the eighteenth century hunger was man's constant companion in the Old World. Famines, followed by epidemics, scourged one European country after another, just as they continue to harass modern China and India. France suffered from twenty-six such visitations in the eleventh century. England averaged ten years of famine in each of the four centuries from 1200 to 1600.[4] The effects on human health and happiness, governmental stability, and general social and cultural progress need not be labored. Even after the improvement of conditions in the eighteenth century, mass starvation was not wholly expelled from Europe, as the plight of the Irish in the 1840's shows.

It was America's great good fortune to afford mankind a new start on a thinly inhabited and exceedingly fertile continent. Hunger in the Old World sense did not survive the Atlantic crossing. Local famines of short duration sometimes occurred as incidents of improvident settlement or of Indian depredations, or, more often perhaps, as the consequence of floods and other natural disasters; but these occasions merely emphasized the profusion that normally obtained.

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[1] To occasional grumblers the *OPA Newsletter* addressed the following reminder: "Our forefathers did without sugar until the 13th century, without coal until the 14th, without butter until the 15th, and without tea, coffee or soap until the 17th. What was it you were complaining about?" *Boston Globe*, October 8, 1943.

[2] Roy Hendrickson, *Food "Crisis"* (Garden City, 1944); E. R. Stettinius, Jr., *Lend-Lease* (New York, 1944), *passim*.

[3] Francis Lieber, *A Stranger in America* (Philadelphia, 1835), 136.

[4] Prentice, *Hunger and History*, 5–9, 228; Cornelius Walford, *The Famines of the World: Past and Present* (London, 1879), 4–19.

As the late G. Stanley Hall remarked, "When food is abundant and fit, men tend to be contented; and when it is scanty or ill-adapted to their nutritive needs they become uneasy, restless, and seize upon anything however untoward to objectify and justify their discontent."[1] The certainty of a full stomach tempered or neutralized radical revolutionary tendencies inspired by the quite different conditions abroad and helped to deflect reform efforts into orderly democratic channels. Sombart, the German economist, inquiring some years ago into why Socialism failed to thrive in the United States, pointed out that the American worker consumed almost three times as much bread and meat as the German and four times as much sugar. "He is well fed," he concluded, "and knows not the discomforts of a constant diet of potatoes and alcohol. . . . On the shoals of roast beef and apple pie all socialistic Utopias founder."[2]

Not till the Great Depression of 1929 did large-scale starvation threaten the United States. In earlier economic breakdowns local private and public charitable agencies and emergency soup kitchens had succored the hungry.[3] The new crisis, sowing ruin deep and wide through every part of the land, soon exhausted community and state funds, leaving thirteen million breadwinners idle with no place to turn. These with their dependents accounted for a quarter or third of the nation. The spreading distress was not due to lack of foodstuffs, for while the urban unemployed searched for enough to eat, the agriculturists suffered from unsalable crops. As the people looked in vain to Washington for effective measures of relief, a mounting despair swept over the country. Western farmers assembled in armed bands to resist foreclosure sales. A "Bonus Expeditionary Force" of jobless veterans descended upon Washington with pleas for help, only to be ejected by gas bombs and army tanks. Portents of social upheaval darkened the skies, for the hosts enduring want through no fault of their own demanded of society the minimum right of survival.

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[1] G. S. Hall, *Morale, the Supreme Standard of Life and Conduct* (New York, 1920), 203.

[2] Werner Sombart, *Warum gibt es in den Vereinigten Staaten keinen Sozialismus?* (Tübingen, 1906), 118, 125–126.

[3] Leah H. Feder, *Unemployment Relief in Periods of Depression* (New York, 1936).

Franklin D. Roosevelt, hurtled into the Presidency in 1932 by an angry electorate, surmounted the crisis. Disregarding constitutional scruples, he pledged that the nation would let no one starve.[1] Congress responded by pouring billions into relief of the needy, supplying them with provisions and work through the WPA and similar agencies and restoring the common man's faith in democratic government.[2] Other New Deal acts undertook to put business, banking, and agriculture back on their feet and to assure better wages for labor; while still another law forearmed the nation against future mischance by setting up a system of insurance compensation for those who might be rendered jobless. The people had rejected the paradox of hunger amidst plenty. It seems certain that no government in the years ahead will ever again permit American citizens to suffer the consequences of a human-created famine.

The relation of food to the general welfare, emphasized by the Great Depression and also by the two World Wars, lent prominence to the discoveries scientists were making in regard to the hygienic properties of food.[3] Malnutrition, these experts showed, might result from an ill-balanced diet as well as from scanty fare, from the "hidden hunger" of the overfed as well as from actual undereating. In the early years of this century they concentrated on the importance of calories—tiny heat units supplied chiefly by fats, proteins, and carbohydrates (starch and sugar)—which release muscular energy and serve the human organism as fuel does an engine. They next discovered vitamins, minute chemical substances that determine the healthful functioning of the body and even life itself. By 1920 three vitamins had been identified: A, which assists eyesight; B, a deterrent of the nervous disease, beriberi; and C, which prevents and cures scurvy. Later years saw other letters added to the alphabet and some of the older ones subdivided. These dietary essentials, it was disclosed, facilitate bone building, bolster morale, and fortify man against many physical and mental disorders.

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[1] No Presidents had declared so sweepingly against the principle underlying such a policy as two of Roosevelt's Democratic predecessors. Franklin Pierce in vetoing a grant of public lands in 1854 for the benefit of the indigent insane stated: "I can not find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States." A third of a century later Grover Cleveland justified his rejection of an appropriation for drought-stricken Texas farmers on the ground "that the lesson should be constantly enforced that though the people support the Government the Government should not support the people." *A Compilation of the Messages and Papers of the Presidents*, J. D. Richardson, Compiler, (10 volumes, Washington, 1896–1899), v. 249; VIII. 557.

[2] A. W. Macmahon, J. D. Millett, and Gladys Ogden, *The Administration of Federal Work Relief* (Chicago, 1941). For an account of how farm surpluses were diverted to relief of the destitute, see Cummings, *American and His Food*, 188–191, 214.

[3] Furnas and Furnas, *Men, Bread and Destiny*, and Mark Graubard, *Man's Food* (New York, 1944), are accounts written for the layman.

The new knowledge, vigorously disseminated by health officials and nutritional experts, quickly caught the public fancy. Conscientious housewives gave anxious thought to a proper balance of proteins, fats, vitamins, and other ingredients. People who had never had to worry about their next meal fell to worrying about their last one. Enterprising manufacturers deluged the market with vitamin pills, yeast preparations, mineral capsules, and liver extracts. Fortunately the desired dietetic values could be had from common victuals, thus making it possible for the poor, if so disposed, to share the benefits with the well-to-do.[1] Vitamin-rich foods such as leafy vegetables, dairy products, fresh fruits, and fruit juices gained new favor. Milk, notable for combining the first six vitamins of the alphabet, became the national drink. Could Sylvester Graham have returned to earth, he would have particularly rejoiced at the sight of millers artificially restoring to flour the vitamins and minerals which refining processes eliminated.

Nutritional authorities visioned a new era for the nation. Americans would achieve "a larger stature, greater vigor, increased longevity and a higher level of cultural attainment." Moreover, "since an ample supply of vitamins can foster a higher intelligence in human subjects it has also the capability of fostering morality." Finally, it would weave "a tapestry of good will" between capital and labor and at the same time expand industrial production by ending absenteeism caused directly or indirectly by defective nourishment.[2]

Whatever the future holds forth in these respects, Allied statesmen waging war with the Axis proclaimed their conviction that proper nutriment was an essential condition of lasting peace. As early as January, 1941, President Roosevelt named "freedom from want" as one of the Four Freedoms that must be assured "everywhere in the world," and a few months later the Atlantic Charter, framed in collaboration with Prime Minister Churchill, reaffirmed the sentiment. To the United Nations Relief and Rehabilitation Administration, instituted in 1943, was given the immediate task of feeding the hungry populations wrested from the enemy. Humanitarian considerations impelled this action, but no less important was the knowledge that starvation would delay the reconstruction of civil life by breeding economic despair and social convulsions. An international conference, meeting at Hot Springs the same year to assess the world's food resources, announced that recent scientific progress in nutrition and farming methods put it in the power of all peoples to maintain a healthful subsistence. To implement this conviction the Food and Agriculture Organization was created in 1945 as an integral part of the peacetime United Nations. Its purpose is to promote continuing research and to advise on ways of raising nutrition levels throughout the world, enlarging the output of all food and food products, and ensuring their better distribution.[1]

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[1] However, according to a Gallup poll, reported in the *Boston Globe*, February 7, 1943, the lower-income groups, doubtless through ignorance or indifference, pay least regard to nutritional requirements. See also Faith Williams, "Food Consumption at Different Economic Levels," *Monthly Labor Review*, XLII (April, 1936), 892.

[2] The quotations are from Professor J. S. McLester of the University of Alabama, Professor R. J. Williams of the University of Texas, and N. W. Shefferman, head of the industrial-relations department of Sears, Roebuck and Company. Mildred Lager, *The Useful Soybean* (New York, 1945), 119; *New York Times*, February 27 and June 17, 1942.

Mankind has the means, it needs only the will, to banish forever an age-long source of domestic discontent and international strife. The fear of hunger must never again be allowed to serve as the pretext for dictators to arise and bathe whole continents in blood. Significantly enough, dietetic standards are the only human standards that are the same for all peoples, white, black, red, and yellow. This common ground affords a basis for mutual understanding and mutual helpfulness among nations. Food, which has so often been an incentive to war, may at long last become a creative force for peace.

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[1] H. R. Tolley and L. D. Stinebower, *Food for the Family of Nations* (Washington, 1945); *New York Times*, October 17, 1945.

The Evolution of Limited Liability in Massachusetts

By E. Merrick Dodd[1]

An important phase of the early development of American manufacturing enterprise was the yielding on the part of one legislature after another to the demands of American manufacturers for limited liability. In England, the country from which our corporation law was originally derived, the struggle for limited liability was, for the most part, a contest between those who believed that that privilege should be open to businesses of all kinds and those who were opposed to the grant of the privilege to any group of businessmen unless their enterprise was of a semi-public character, such as a canal or railroad. A few English business associations other than those of a semi-public character did, indeed, attain individual grants of limited liability by royal charter or special legislative act. But, generally speaking, English company law applied to all types of business and did not grant limited liability to any type until Parliament was ready to grant it to all.[2]

The evolution of limited liability in the United States followed a quite different course. This was particularly true in the northeastern states, which were for a considerable period after the Revolution the only states in which the factory type of manufacturing developed on a substantial scale. In most of these states the legislative policy with respect to granting limited liability to manufacturing enterprises differed radically during the early years of the nineteenth century from the policy toward certain other types of business. In at least one of the states—Pennsylvania—the same legislators who were willing to grant limited-liability charters in substantial numbers for such enterprises as banks, turnpikes, toll bridges, and canals, were rarely willing to grant corporate charters of any kind for industrial purposes. In the New England states, and to a lesser extent in New York and New Jersey, the diversity of policy manifested itself in a different way. As soon as the factory system had developed sufficiently to produce a demand for legislative encouragement through the granting of corporate charters, the legislatures of most of these states began to respond to that demand by granting such charters in considerable numbers. But, generally speaking, they refused to include in these charters the broad immunity from shareholder liability which was characteristic of most charters given to businesses of other types.

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[1] This paper was read at the November, 1946, meeting.

[2] In the eighteenth century, the English law of joint-stock companies consisted of the common law (which denied limited liability to shareholders in such companies) and the Bubble Act of 1720, 6 Geo. I, c. 18 (1719), which made it a criminal offense for an unincorporated company to presume to act as a corporation. An act of 1825, 6 Geo. IV, c. 91, repealed the Bubble Act and gave the king the power, which it was thought that he did not previously possess, to charter a corporation and at the same time deny it the privilege of limited liability. The Joint-Stock Companies Registration and Regulation Act of 1844, 7 & 8 Vict., c. 110, required registration of all partnerships which had transferable shares and more than 25 members and conferred on them, when registered, all the usual corporate privileges except limited liability. The latter privilege was granted to registered companies by the Companies Acts of 1855, 18 & 19 Vict., c. 133; of 1856, 19 & 20 Vict., c. 47, and of 1862, 25 & 26 Vict., c. 89.

Since the development was one of legislative rather than judicial lawmaking and since the legislature of each state was influenced only to a limited extent by what its neighbors were doing, the development can best be studied on a state-by-state basis. The course of events in Massachusetts is of peculiar interest, as the change from an economy of individual artisans to the factory system of organization took place more rapidly in Massachusetts than anywhere else in the country. The use of power-driven machinery makes the factory type of organization necessary, and the industry in which power-driven machinery most rapidly replaced hand tools was the cotton-textile industry. That industry got its American start in Rhode Island, but Massachusetts, a state with more abundant capital and greater water power, soon outstripped its smaller rival and became the leading cotton-textile state in the country.[1]

All the New England states at one time or another adopted a policy of granting manufacturing corporation charters in large numbers, while coupling the grants with provisions for unlimited shareholder liability. But it was Massachusetts which was the first to adopt and, with the exception of Rhode Island, the last to abandon that policy. Legislative desire to combine encouragement of industry with substantial protection of creditors was of course not peculiar to Massachusetts or even to New England, but Massachusetts was the leading exponent of the view that the best way to reconcile the conflicting interests involved was to create that peculiar hybrid, the unlimited-liability corporation.

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[1] The large, abundantly capitalized mill, of which the first successful American example was the Boston Manufacturing Company of Waltham, Massachusetts, organized by Francis C. Lowell and his associates, was for many years much commoner in Massachusetts and New Hampshire than in any other states.

If we disregard a few early experiments, the trend in Massachusetts legislative policy with respect to manufacturing corporations may be divided into three stages. In the first stage, which began in 1809 and ended in 1830, the policy was one of granting special charters with great liberality but refusing to include in such grants the usual corporate privilege of limited liability. In the second stage, which covered a twenty-year period from 1830 through 1850, limited liability was no longer withheld, except briefly in one instance, but each incorporation still required a special legislative act. In the final stage, which began in 1851, self-incorporation under a general act was permitted and the restrictions with respect to size which were for a time imposed were gradually relaxed.

Yet because manufacturing corporations were not the earliest type of business corporations to be created either in Massachusetts or elsewhere in the United States, some knowledge of the previous experience of the men of Massachusetts with business corporations in general before 1809 is requisite for an understanding of the reaction of the legislature to petitions by promoters of manufacturing enterprises for the privilege of incorporation. Although hardly any business corporations were created in the United States until after the Revolution,[1] the legislators, businessmen, and lawyers who were called upon a few years later to work out appropriate provisions for business-corporation charters were not dealing with a wholly unfamiliar type of business organization. The American colonists seem to have been fairly well acquainted with the common-law joint-stock company, a type of business organization which needed only a friendly nod from king or legislature to turn it into a business corporation. The English Bubble Act of 1720,[2] which made, or seemed to make, common-law joint-stock companies flagrantly illegal, had been extended to the colonies by an act of 1741,[1] but that act—which was an outgrowth of the complaints of Governor Jonathan Belcher of Massachusetts against a proposed land bank—does not seem to have been enforced or even greatly feared. Colonial joint-stock companies were not very numerous, but their comparative scarcity seems to have been due to the fact that the demand for them was not great in a predominantly agricultural country. Such studies of the organization of business in colonial America as have been made tend to support the conclusion that, when a group of business associates wished to organize a joint-stock company, they were not likely to be deterred by fear that the penalties prescribed by the Bubble Act would be invoked against them.[2]

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[1] Joseph S. Davis, *Essays in the Earlier History of American Corporations* (Cambridge, 1917), II. 24.

[2] 6 Geo. I, c. 18 (1719), in force from June 24, 1720. The act's penalties were very drastic, but its ambiguities were such as to make it uncertain whether it applied to all companies which had transferable shares or only to those which were not found to be beneficial. There were no decisions construing it until after the close of the eighteenth century, when its meaning had ceased to have any practical importance for Americans.

Both the incorporated and the unincorporated joint-stock company are mechanisms by means of which a number of persons unite for the purpose of assembling a fund of capital with which to carry on some business enterprise. The need for assembling capital for improving inland transportation facilities, for supplying cities and towns with water, and for carrying on banking and insurance was one which came to be felt immediately after the close of the Revolution. The legislatures of most of the states were quick to respond to this need, with the result that by the end of the century no fewer than 66 canal companies, 72 turnpike companies, 69 toll-bridge companies, 32 water-supply companies, 29 banks, and 33 insurance companies had been granted corporate charters.[3] Each of the then existing fifteen states except Delaware, Georgia, and Kentucky participated to a substantial extent in this charter-granting activity.

The situation with respect to manufacturing was for several years quite different. The need to pool the capital of a number of persons for manufacturing purposes is unlikely to be felt unless manufacture is to be carried on in a factory. Although factory production in England, and to a lesser extent in the colonies, antedated the use of machinery, American factories remained few and small until the factory type of business organization became essential in order to make use of the Arkwright spinning machinery, which was introduced into this country by the Englishman, Samuel Slater. Slater's mill at Pawtucket, Rhode Island, which was equipped with water-driven spindles, went into operation in the winter of 1790–1791,[1] but the progress of mechanization in eighteenth-century America was far from rapid, and by 1800 there seem to have been only seven Arkwright mills in the country, all of them in southern New England.[2] Nevertheless, the use of machinery for spinning and the invention, a few years later, of the power loom gradually brought the manufacture of cloth—particularly cotton cloth—out of the home into the factory. It was therefore primarily the cotton-textile industry that made the joint-stock company, and particularly the incorporated, limited-liability joint-stock company, seem desirable to American industrialists and thus led to efforts on their part to obtain corporate charters—if possible, limited-liability charters.

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[1] 14 Geo. II, c. 37.

[2] Most of the colonial joint-stock companies were organized for the purpose of speculating in western lands, but there were a few which were formed for the purpose of engaging in business. Shaw Livermore, *Early American Land Companies: Their Influence on Corporate Development* (New York, 1939), *passim;* Davis, *American Corporations,* II. 258 *et seq.*

[3] Davis, *American Corporations,* II. 27. On the other hand, only eight manufacturing companies were chartered prior to 1800.

Corporate charters for business enterprises had, as we have seen, become familiar features of the American economic landscape by the end of the eighteenth century, but it was not until 1809 that the corporate device, already common in transportation and finance, became other than exceptional in manufacturing. In that year, Massachusetts, which had incorporated only ten manufacturing companies during the preceding twenty years, granted charters to no fewer than eleven such companies, eight out of the eleven being textile companies. New York, with eight 1809 manufacturing charters, Vermont, with five, and New Hampshire, with three,[3] were not far behind, and Connecticut began to grant such charters in substantial numbers shortly thereafter. Stimulated by the exclusion of English manufactured products which was brought about by the War of 1812, American manufacturing grew apace. By 1815, cotton textiles, an infant industry less than a decade before, was estimated to be employing a capital of $40,000,000 and 100,000 workers.[4] Although many of the new industrial enterprises were unincorporated, the growth of industry was accompanied by a great increase in the number of American manufacturing company charters. Thus Massachusetts alone had chartered 115 textile companies and a considerable number of other manufacturing companies by 1815.[1]

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[1] Victor Selden Clark, *History of Manufactures in the United States* (2 volumes, Washington, 1916, 1928), I. 535.

[2] *Ibid.*

[3] New Hampshire had already incorporated two manufacturing companies in 1805 and three in 1808.

[4] Clark, *Manufactures in the United States*, I. 538, citing *American State Papers, Finance*, III at 82.

Several of the early Massachusetts manufacturing corporation charters were completely silent with respect to what rights, if any, corporate creditors would have against individual shareholders.[2] The rule that, in the absence of express statutory provisions, shareholders in corporations incur no liability except to pay the amount of their subscriptions is so well settled today that we think of limited liability as inherent in corporateness. How far eighteenth-century lawyers and eighteenth-century investors either in England or in America held this view is not entirely clear. It is true that the theory that a corporation is a legal person, separate and distinct from its members, was by that time well established; that theory suggests, though it does not necessarily require, the conclusion that corporate debts are debts for which the members are not personally liable, at least in a direct action by a creditor. It is true also that there is some language in early English cases which seems to imply immunity from individual liability,[3] and that by 1784 we find the English Attorney-General confidently asserting that incorporation, whether by royal charter or by act of Parliament, connotes such immunity.[4] But even in England the evidence as to what the men of the eighteenth century thought on this subject is extremely meager, and in the United States it is almost nonexistent.[5]

It has sometimes been suggested that the correct eighteenth-century answer to the question of the existence of shareholder liability for corporate debts was that such liability did exist but that it was indirect rather than direct and resulted from the corporate power to make assessments.[1] That suggestion is based on the fact that in the seventeenth-century case of *Salmon v. Hamborough Company*,[2] the House of Lords instructed the Chancellor to order a corporation to levy an assessment on its members in order to provide funds with which to pay the plaintiff's claim and to issue process against any member who failed to pay the assessment. It was admitted by the demurrer in that case that the company, which had no joint stock, had made a practice of levying such assessments. That decision did not, therefore, necessarily establish a general principle of indirect shareholder liability to corporate creditors unless it was true that seventeenth- and eighteenth-century joint-stock corporations had broad power to make assessments and to enforce payment by action and not merely by forfeiture of a delinquent's shares. The question whether such powers were normally possessed by such companies was never judicially answered in seventeenth- and eighteenth-century England, and there is reason to believe that serious doubts existed as to the extent of the corporate power to assess.[3]

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[1] Caroline F. Ware, *The Early New England Cotton Manufacture* (Boston and New York, 1931), Appendix A.

[2] See pages 238 and 239.

[3] Armand B. DuBois, *The English Business Company after the Bubble Act, 1720–1800* (New York, 1938), 94.

[4] *Ibid.*, 95–96.

[5] See, however, an article printed in the *Gazette of the United States* in September, 1792, and reprinted in the *American Museum*, replying to criticisms of the first American business corporation, The Society for Establishing Useful Manufactures, and stating that "The subscribers, to avoid risquing more than their subscriptions, were, of course, to apply for an incorporation." Quoted in Davis, *American Corporations*, I. 447.

In Massachusetts, neither the question of a possible implied direct personal liability of shareholders for corporate debts nor that of the legality and enforceability of assessments came before the court until about the time when the legislature in 1809[4] adopted the policy of expressly making shareholders in all industrial corporations directly liable to creditors. We do not know what interpretation the courts would have put on those earlier charters which were silent on the subject of shareholder liability if the question had come before them at the beginning of the century, when a considerable number of charters had been granted to banking, insurance, and public-service companies. Nor, so far as the writer has been able to discover, has anyone unearthed any substantial evidence on the question whether, at the turn of the century, informed opinion in Massachusetts did or did not regard incorporation as implying limitation of liability. It is worth while, however, without committing ourselves to the assumption that the cases which arose a few years later would have been decided in the same way if they had been presented to the Massachusetts court at an earlier date, to examine briefly what did happen when questions relating either to direct shareholder liability to creditors or to shareholder liability to pay assessments under these pre-1809 charters did come before the Supreme Judicial Court.

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[1] Samuel Williston, "History of the Law of Business Corporations before 1800," *Harvard Law Review*, II (1888), 149, 160; Oscar Handlin and Mary F. Handlin, "Origins of the American Business Corporation," *Journal of Economic History*, V, Number 1 (May, 1945), 13.

[2] 1. Ch. Cas. 204 (1671).

[3] DuBois, *English Business Company*, 98–99. Stewart Kyd, the author of the first English treatise on corporation law, suggested a further doubt about the scope of the *Salmon* decision. He called attention to the statement in the report that the case was one in which a court of chancery could give no relief except by special direction from the House of Lords. Stewart Kyd, *A Treatise on the Law of Corporations* (London, 1793–1794), I. 272.

[4] Act of March 3, 1809, Mass. Laws 1806–1809, c. 65, p. 464.

In *Nichols v. Thomas*,[1] a case decided in 1808, a creditor of the Union Turnpike Corporation had obtained a judgment against it which erroneously referred to the company as the "President, Directors & Company of the Union Turnpike Corporation." Execution was issued, directing the sheriff to levy on the funds, chattels, or lands of the president, directors, and company and to arrest them if no such property could be found. The sheriff, who, finding no goods to seize, had arrested a shareholder, was held to have acted unlawfully. Chief-Justice Theophilus Parsons's opinion makes it clear that a judgment against a corporation is not a judgment against its shareholders. It does not discuss the broader question of whether any form of action might exist by which shareholders could be forced to pay the debts of their corporation. That the chief justice did not believe that the law imposed any such liability may perhaps be inferred from his statement in another case decided the same year, a case involving the express assumption of personal liability for certain corporate debts by some of the members of a corporation, that "as the bodies or private property of individual members cannot be taken in execution to satisfy a judgment against the corporation, it certainly is a prudent measure, in those who contract to do the labour to insist on the responsibility of individuals, and not to trust to the corporation for payment."[2]

A year later, in *Commonwealth v. Blue-Hill Turnpike Corporation*,[3] the chief justice wrote the opinion of the court in a case in which a turnpike company had taken a landowner's property by eminent domain. The lower court had ordered that, if the company failed to pay for the property within six months, a distress warrant should be levied on the personal property of the shareholders. On appeal, the order was reversed on the ground that the provisions of the act of incorporation, by making the corporation liable for damages which persons might suffer by reason of the taking of their land, made it clear that the liability was that of the corporation alone, not of its shareholders. Reasoning of this sort suggests that the court would have accepted the broad generalization that, whenever a legislature creates a corporation with power to incur debts, the corporation alone is liable for such debts unless the legislature expressly provides otherwise.[1]

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[1] 4 Mass. 232 (1808).

[2] *Tippets v. Walker*, 4 Mass. 595, 597 (1808).

[3] 5 Mass. 420 (1809).

At all events, there is no doubt that Chief-Justice Isaac Parker's opinion in the case of *Spear v. Grant*,[2] a case decided ten years later, assumes that incorporation implies limitation of liability. The Hallowell & Augusta Bank had liquidated its business and had paid liquidating dividends to its shareholders without leaving enough assets to pay its debts. In denying a creditor the right to recover from a shareholder, the chief justice said that shareholders are not personally liable for corporate debts and that, although they might have an equitable duty to refund their liquidating dividends in these circumstances, that duty could not be enforced by the Massachusetts courts, which at that time had no equity jurisdiction. Five years later a federal circuit court, which did have such jurisdiction, held the shareholders of the same bank liable, but only for the amount of the dividends received, saying that "The individual shareholders are not liable for the debts of the bank in their private capacities. The charter relieves them from personal responsibility and substitutes the capital stock in its stead."[3]

No question directly relating to the power of a corporation to make assessments or to the legal sanctions for enforcing such assessments was presented to the Massachusetts court until the case of *Andover &*

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[1] For a different view of the early Massachusetts law with respect to limited liability of corporate shareholders, see Handlin and Handlin, "Origins of the American Business Corporation," 10 *et seq.;* Handlin and Handlin, *Commonwealth; a Study of the Rôle of Government in the American Economy: Massachusetts, 1774–1861* (New York, 1947), 155 *et seq.* For further discussion of the early Massachusetts decisions, see the writer's review of *Commonwealth* in *Harvard Law Review,* LXI (1948), 555.

[2] 16 Mass. 9 (1819). See also *Vose v. Grant,* 15 Mass. 505 (1819), a case growing out of the same facts.

[3] *Wood v. Dummer,* 3 Mass. 308, 311 (C. C. D. Me. 1824). There was no express exemption from liability in the company's charter. See Act of March 6, 1804, Mass. Laws 1802–1803, c. 110, p. 684 (reprint 1898).

Medford Turnpike Corporation v. Gould,[1] decided in 1809. A turnpike corporation had issued its shares on the basis of subscription agreements which said nothing about the amount to be paid for the shares. It later made a series of assessments which the defendant shareholder refused to pay. The statute under which it was incorporated gave it the right to sell the shares of any member of the company who refused to pay an assessment. Chief-Justice Parsons held that such a sale was the corporation's only remedy, a view which he had previously expressed twice by way of *obiter dictum.*[2]

Eight years later the same question arose with respect to an assessment by a manufacturing corporation, whose charter in like manner gave it power to sell the shares of delinquent shareholders. Counsel for the corporation tried in vain to persuade the court to distinguish the earlier case on the ground that manufacturing corporations differ substantially from turnpikes. He argued that "The making and maintenance of a turnpike road is an affair of public concern and public convenience, seldom entered upon or prosecuted for the sake of the profit contemplated to arise to the undertakers, and they cannot lawfully effect their object without authority from the legislature. Whereas a company of manufacturers cannot be presumed to have any object in view but their private or personal gains. They could lawfully carry on their business without legislative interference; and they ask for an incorporation merely for the greater convenience in managing their affairs."[3]

Although neither of these cases dealt specifically with the rights of creditors, a holding that the corporation had no remedy for nonpayment of an assessment completely undermined the ground on which *Salmon v. Hamborough Company*[4] was based—the assumption that the corporation had a right, which an unpaid creditor could compel it to exert, to levy and collect assessments. Thus, by the second decade of the nineteenth century it was clear that in Massachusetts shareholders were, in the absence of express statutory provision therefor, not only immune from any direct liability to creditors but immune also from any liability to pay assessments,[1] at least where, as was generally the case, the only remedy given by statute for nonpayment was the power of forfeiture and sale of the shares.

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[1] 6 Mass. 39 (1809).

[2] *Tippets v. Walker*, 4 Mass. 595, 597 (1808); *Commonwealth v. Blue-Hill Turnpike Corporation*, 5 Mass. 420, 422 (1809).

[3] *Franklin Glass Company v. White*, 14 Mass. 285, 286 (1817).

[4] 1. Ch. Cas. 204 (1671).

And now for the first of the three stages, that of unlimited liability: 1809–1830. It was probable from the outset and soon became indubitable that, if the legislature desired to adopt a policy of unlimited shareholder liability, it must use language which clearly expressed that desire. As soon as manufacturing companies began to be formed in substantial numbers, the Massachusetts legislature did adopt an unlimited-liability policy, a policy to which it adhered, with relatively minor modifications, for twenty-one years. That policy did not, however, develop all at once. The first Massachusetts manufacturing corporation was the Beverly Cotton Manufactory. Its charter, granted in 1789,[2] contained no reference to the question of individual liability. Although the petitioners had asked to be incorporated "with such immunities and favors" as the legislature should think necessary,[3] the only special privileges expressly granted by their charter were the right to levy fines up to £50 for violation of "such laws and regulations as may be necessary for the government of the said corporation" and the right to use their seal as a trade-mark and to sue infringers for treble damages.[4]

The Beverly Company was unsuccessful,[5] but its lack of success did not deter another group of manufacturers from asking or the legislature from granting a second textile-manufacturing charter some five years later. That charter, which created the Newbury Port Woolen Manufactory,[6] was similar to the earlier one in ignoring the question of shareholders' liability. It did, to be sure, give the corporation the power to levy assessments on shareholders, but that power was coupled with a provision for forfeiture of the shares of delinquents, a remedy of no benefit to the corporation's creditors. One more eighteenth-century charter, that granted to The Proprietors of the Calico Printing Manufacture in 1796,[1] failed to mention the subject of shareholder liability.

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[1] Except that a shareholder who had promised the corporation to pay his proportion of all legal assessments was liable on his promise. *Worcester Turnpike Corporation v. Willard*, 5 Mass. 80 (1809).

[2] Act of February 3, 1789, Mass. Laws 1788–1789, c. 43, p. 71 (reprint 1894).

[3] Mass. Archives 1788, c. 43.

[4] By a resolve passed a few days later they were given a substantial grant of public land. Resolve of February 17, 1789, Mass. Laws 1788–1789, c. 119, p. 362 (reprint 1894).

[5] Ware, *Early New England Cotton Manufacture*, 20.

[6] Act of January 29, 1794, Mass. Laws 1792–1793, c. 27, p. 427 (reprint 1895).

It was not long, however, before the legislature inserted for the first time a provision for shareholder liability in a manufacturing charter. The Act of March 4, 1800, creating the Salem Iron Factory,[2] provided that, if a judgment against the corporation should prove uncollectible, the judgment creditor might levy execution on any of the property of the individual members in the same manner as if the action had been brought against them in their individual capacities.

Even prior to 1800 Massachusetts had shown some tendency to impose personal liability on members of corporations. Thus the inhabitants of Massachusetts towns had from very early times been held personally liable for town debts and that liability remained unaffected by the statute of 1785, which declared "the inhabitors of every town . . . to be a body politic and corporate."[3] The principle of individual liability had, however, rarely been applied to business corporations. The charters of the early Massachusetts banks, insurance companies, turnpikes, and toll bridges contained no express provisions for shareholder liability, and it is improbable that they would have been construed as implying such liability. Nevertheless, even in the field of business enterprise, the unlimited-liability charter granted to the Salem Iron Factory in 1800 was not entirely without precedent. The 1795 charter of the Boston Water Works Company[4] provided that, if a judgment against the corporation remained unsatisfied for six months after its dissolution, the judgment should be satisfied out of the private property of the members. A similar liability was imposed on shareholders of other waterworks companies by the Aqueduct Company Act of 1799.[5] Furthermore, several eighteenth-century Massachusetts canal-company charters provided that claims against such companies for property taken or damaged—the principal liabilities which such companies were likely to incur—could be collected by levying on the property of the members.[1]

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[1] Act of February 25, 1796, Mass. Laws 1794–1795, c. 58, p. 420 (reprint 1896).

[2] Act of March 4, 1800, Mass. Laws 1798-1799, c. 80, p. 481 (reprint 1897).

[3] Act of March 23, 1786, Mass. Laws 1784–1785, c. 75, p. 605; see *Hill v. Boston*, 122 Mass. 344, 349 (1877).

[4] Act of February 27, 1795, Mass. Laws 1794–1795, c. 55, p. 102 (reprint 1896), supplemented by Act of June 10, 1796, Mass. Laws 1796–1797, c. 1, p. 5 (reprint 1896).

[5] Act of February 21, 1799, Mass. Laws 1798–1799, c. 59, p. 80 (reprint 1897).

The policy of imposing such liability on the holders of canal-company shares was soon reversed, but it was several years after the incorporation of the Salem Iron Factory before the Massachusetts legislative policy with respect to the imposition of personal liability on shareholders of manufacturing companies definitely crystallized. A charter granted in 1805 to the Amesbury Nail Factory Company[2] imposed full personal liability. On the other hand, neither an act of 1807, incorporating the Fitchburg Cotton Manufactory Corporation,[3] nor an act of the following year, incorporating the Proprietors of the Norfolk Cotton Manufactory,[4] contained any reference to liability of shareholders.

The year 1809 was the first in which the Massachusetts legislature was confronted with a substantial number of applications for manufacturing charters. The increase in the demand for charters coincided with a substantial increase in the building of factories which occurred in Massachusetts and several other states at about this time.[5] This increased demand induced the Massachusetts legislature to adopt a definite liability policy by enacting, on March 3, 1809, a Manufacturing

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[1] See, for example, the Act of February 22, 1792, Mass. Laws 1790–1791, c. 32, p. 302 (reprint 1895), incorporating the proprietors of the locks and canals on the Connecticut River.

[2] Act of March 16, 1805, Mass. Laws 1804–1805, c. 139, p. 221 (reprint 1898).

[3] Act of June 20, 1807, Mass. Laws 1806–1809, c. 33, p. 209.

[4] Act of March 12, 1808, Mass. Laws 1806–1809, c. 138, p. 378.

[5] According to a compilation made from a report on manufactures by Secretary of the Treasury Louis McLane in 1832, only 17 cotton mills had been erected in New England prior to 1810. In 1810 and 1811, no less than 15 were erected, 8 of them in Massachusetts. Day, "The Early Development of the American Cotton Manufacture," *Quarterly Journal of Economics*, XXXIX (1925), 452. Presumably several of the cotton mills granted charters in 1809 were not completed until the following year and so were not counted in the Secretary's 1809 list.

It is difficult to determine how far this rather sudden development was the result of the limitations on the importation of European goods which had been imposed by the Embargo Act of 1807, 2 Stat. 451 (1845), and its successor, the Non-Intercourse Act of 1809, 2 Stat. 528 (1845). There is reason to believe that the embargo was in the beginning more of a bane than a blessing to American industry. It did act as a stimulus to industry both by cutting off foreign competition and by causing capital and labor which could no longer be employed in foreign trade to seek employment in other occupations. Ware, *Early New England Cotton Manufacture*, 43. On the other hand, the havoc which it wrought to the shipping industry seriously reduced the purchasing power of the seaport towns, at that time the principal markets for the products of American factories. *Ibid.*, 39; Clark, *Manufactures in the United States*, I. 536.

Corporation Act[1] which was to be applicable to all manufacturing corporations thereafter created. The act imposed full individual liability by providing that, if execution against the corporation could not be satisfied out of corporate property, it might, after a lapse of fourteen days, be levied on the body or property of any member.[2] On the following day the legislature chartered no fewer than seven manufacturing corporations with provisions making them subject to the requirements of the new act.[3]

For the next twenty-one years the legislature was to follow a policy of liberality in that petitions for manufacturing-company charters were usually granted, but of cautious conservatism in that the grants were coupled with provisions for full shareholder liability. Its insistence on the insertion of such provisions did not prevent large numbers of Massachusetts industrialists from seeking incorporation. Evidently incorporation was regarded as a thing of value even though the privileges granted thereby did not include what most of us have come to think of today as the most important of all corporate privileges—immunity from individual liability for the debts of the enterprise.

The policy of burdening grants of incorporation of manufacturing companies with provisions for unlimited shareholder liability was not extended to any other type of corporation. The Aqueduct Company Act of 1799,[4] which continued in effect without change, did, to be sure, impose unlimited liability in case a company formed under it failed to pay its debts within six months of its dissolution. But that act put no limitation on the corporate life of such companies, and there was probably no great likelihood that companies engaged in so relatively riskless a business as that of supplying water would dissolve without paying their debts. The early practice of imposing substantial individual liability on the shareholders of canal companies was abandoned. In fact, the only corporations, other than manufacturing companies, on which shareholder liability of a seriously burdensome sort continued to be imposed were banks.

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[1] Act of March 3, 1809, Mass. Laws 1806–1809, c. 65, p. 464.

[2] Section 6, *ibid.*, 466.

[3] See Acts of March 4, 1809, Mass. Laws 1806–1809, c. 83, p. 485; c. 85, p. 486; c. 87, p. 488; c. 88, p. 489; c. 89, p. 489; c. 90, p. 490; c. 96, p. 499.

[4] Act of February 21, 1799, Mass. Laws 1798–1799, c. 59, p. 80 (reprint 1897).

Beginning with two charters granted in 1811,[1] the legislature adopted and for many years adhered to a policy of inserting in bank charters a provision requiring shareholders to make good any impairment of capital due to mismanagement by the directors, up to an amount equal to the stock held by each shareholder, and a further provision that those who were shareholders at the time when a bank charter expired should be liable in proportion to their shareholdings for the payment of all outstanding bank bills. This latter liability was a very serious one, particularly in view of the fact that bank charters granted at this time limited corporate existence to twenty years. Nevertheless, it fell far short of the unlimited liability imposed on shareholders of industrial companies by the Manufacturing Corporation Act of 1809.

Literally interpreted, that act imposed liability only on those who were members of the corporation at the time of levy of execution, thus seeming to make it possible for shareholders of failing enterprises to avoid personal liability by transferring their shares to men of straw. In 1818, presumably for the purpose of plugging up this loophole in the act,[2] the legislature adopted an amendment which broadened the liability provisions so as to include members who owned shares at the time when the debt accrued.[3] The year in which this statute was passed was a year of business depression, so that the question of individual liability was one of peculiarly vital concern both to shareholders and to corporate creditors. In 1822, the legislature again increased the perils of shareholdership in manufacturing corporations by adding a provision imposing liability on those who had been shareholders at the time when the particular debt was contracted.[4] The new act was so badly drafted that it did not fit in well with the procedure provided for by the earlier acts.

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[1] Act of June 26, 1811, § 3, Mass. Laws 1809–1811, c. 82, p. 494 (Merchant's Bank); Act of June 27, 1811, § 3, *id.*, c. 84, p. 501 (State Bank).

[2] However, the loophole in the original act was in fact a smaller one than the legislature of 1818 may have imagined, for the Massachusetts court subsequently held that, although generally speaking only those who owned shares at the time of the levy of execution were liable under the Act of 1809, a shareholder who knew that a corporation was insolvent could not escape liability by finding some impecunious person who was willing to accept his shares as a gift. *Marcy v. Clark,* 17 Mass. 329 (1821).

[3] Act of February 24, 1818, Mass. Laws 1815–1818, c. 183, p. 618.

[4] Act of January 28, 1822, Mass. Laws 1818–1822, c. 38, p. 619. This act, which was very brief, apparently did not, as did the earlier acts, make the existence of an unsatisfied judgment against the corporation a condition precedent to shareholder liability. For a criticism of both the draftsmanship and the policy of these acts, see "Manufacturing Corporations," *American Jurist,* 2 (1829), 92, 97–100.

The second stage, that of limited liability under special charter, extended from 1830 to 1850. Soon after the enactment of the Act of 1822, which was the high-water mark of the Massachusetts legislature's unlimited-liability policy, the proponents of more liberal treatment of shareholders of industrial companies found a vigorous champion in Governor Levi Lincoln. In his first message to the legislature, delivered on June 22, 1825, he launched a vigorous attack on the whole individual-liability policy and urged the legislature to modify the law, at the very least by making the liability of each shareholder proportionate to his ownership and by fixing a period beyond which a bona fide seller of shares should cease to be liable for corporate debts.[1] That recommendation fell on deaf ears, but Governor Lincoln returned to the attack in his message of June 20, 1826. He referred to the large sums which Massachusetts citizens had recently invested in factories in Maine and New Hampshire, where limited-liability provisions were in effect and again urged that a time limit be placed on the liability of former investors in Massachusetts factories who had parted with their shares.[2] He further objected to the existing Massachusetts law on the ground that it tended to indefinite circuity of action, since a shareholder who paid a corporate debt thereby became a corporate creditor entitled to sue any other shareholder, who, if he paid, became a corporate creditor in turn. The governor urged that, even if nothing else were done, this situation be remedied by limiting a shareholder who paid a corporate debt to a right against the corporate assets and a right against his fellow shareholders for contribution.

At its next session, in 1827, the legislature accepted the governor's recommendations of 1826 by adopting an act exempting from liability shareholders who transferred their shares, unless the suit against them was brought within one year of the transfer, and entirely exempted those who held shares as executors, administrators, guardians, trustees, or pledgees. In addition, it restricted the rights of a shareholder who paid a corporate debt on execution to a right to obtain reimbursement from the corporation or contribution from his fellow shareholders.[3]

[1] Governor's Speech, June 2, 1825, Mass. Resolves 1824–1828, pp. 181, 192.

[2] Governor's Speech, June 6, 1826, Mass. Resolves 1824–1828, pp. 377, 383.

[3] Act of March 10, 1827, Mass. Laws 1825–1828, c. 137, p. 547.

As was to be expected, the changes made by the Act of 1827 were not sufficient to satisfy the advocates of limited liability. In November, 1829, at a time of numerous business failures, a petition was presented to the legislature by a large number of Massachusetts industrialists urging the complete abandonment of the individual-liability principle.[1] The petitioners asserted that the existence of that liability was drawing industrial capital into other states whose legislatures were willing to grant limited-liability charters. A similar assertion was made in an unsigned article published the following year in the *American Jurist*,[2] but the writer of an earlier article in the same magazine had phrased the argument more cautiously, saying:

> That this personal responsibility has, in fact, drawn manufacturing capital from Massachusetts, we do not affirm; for other causes may have operated to prevent this result. But the tendency is obvious, and it has been frequently asserted that the injurious consequences resulting from it are very great. It is sufficient, however, for us to show the tendency, since it is not to be taken for granted that Massachusetts will, in spite of these laws, always offer attractions for manufacturing capital superior to those of any of the surrounding territories.[3]

The contention that the Massachusetts full-liability policy was already driving capital out of the state was one which it might have been difficult to establish. It is true that several large Maine and New Hampshire cotton-manufacturing corporations had recently been organized or had been granted the right to hold an increased amount of property,[4] and that some of these were financed largely by Massachusetts capitalists. But southern Maine and New Hampshire, with their abundant and conveniently situated water power, had other attractions besides their limited-liability laws. It is not unlikely, therefore, that there would have been substantial investments of Massachusetts capital in New Hampshire factories even if the corporation laws of the two states had been identical. In any event, the fact that New Hampshire had become a popular field of investment for Massachusetts capitalists did not mean that Massachusetts had ceased to be such a field. Throughout the decade of the 1820's, Massachusetts manufacturing-company charters continued to be eagerly sought for. No fewer than 18 of them were granted in 1828 and nearly as many in 1829, several for what were, for those days, large-scale business ventures. No other state could match this record, even though some of the neighbors of Massachusetts had been granting limited-liability industrial charters for a number of years.

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[1] The petition is on file in Massachusetts State Archives. For New England business failures in the cotton-textile industry in 1829, see Ware, *Early New England Cotton Manufacture*, 91.

[2] *American Jurist*, 4 (1830), 298, 307.

[3] *American Jurist*, 2 (1829), 92, 104.

[4] During the decade 1820–1830, two Maine corporations were authorized to hold property or have a capital of one million dollars or more. See Act of February 14, 1826, Me. Priv. & Sp. Laws 1825–1828, c. 393, p. 650, incorporating the Kennebunk Manufacturing Company, and authorizing it to hold property not in excess of $1,500,000 and Act of February 17, 1826, Me. Priv. & Sp. Laws 1825–1828, c. 397, p. 656, increasing the authorized capital of the Saco Iron Works to $1,000,000. During the same decade, five New Hampshire manufacturing corporations were given like authority. See Act of June 18, 1823, N. H. Laws 1821–1828, p. 182, increasing the authorized capital of the Dover Manufacturing Company to $1,000,000; Act of June 18, 1823, N. H. Laws 1821–1828, p. 188, incorporating the Nashua Manufacturing Company with authority to hold property not exceeding $1,000,000; Act of June 27, 1827, N. H. Laws 1821–1828, p. 605, incorporating Cocheco Manufacturing Company with authority to hold property not exceeding $1,500,000; Acts of June 21, 1826, and June 13, 1828, N. H. Laws 1821–1828, pp. 490, 712, increasing the authorized capital of the Great Falls Manufacturing Company to $1,000,000

However, the flight-of-capital argument was only one of the contentions made by those who sought to bring Massachusetts into line with the limited-liability states. Thus, in advocating the adoption of the limited-liability principle in a message to the legislature on January 6, 1830, Governor Lincoln said that the existing law had been found by experience to be even more harmful for its effects inside the Commonwealth than for its tendency to cause Massachusetts capital to migrate. He asserted that unlimited liability, by making shares in most Massachusetts textile companies nearly worthless both in the market and for use as collateral, was bringing financial ruin to many families and that, unless the law were changed, "the manufacturing interest, to a great extent, must be abandoned in Massachusetts."[1] The governor's limited-liability proposal was vigorously supported by editorials in the *Independent Chronicle & Boston Patriot* of January 16, 1830, and in the *Columbian Centinel* of January 30.

A bill putting into effect the governor's recommendation of abolishing unlimited-shareholder liability was favorably reported by committees of both houses. Some idea of the character of the debates on the adoption of these reports may be derived from summaries published in the *Boston Daily Advertiser* of speeches by two supporters

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and later to $1,500,000; Act of June 14, 1828, N. H. Laws 1821–1828, p. 713, incorporating the Strafford Manufacturing Company with an authorized capital of $1,500,000.

[1] Governor's Message, January 6, 1830, Mass. Resolves 1828–1831, pp. 212, 228.

of the bill, Representatives John Lowell, Jr., of Boston, and John Brooks, of Bernardston, and by one vigorous opponent, Representative William Sturgis, of Boston,[1] and from a summary, printed as a pamphlet,[2] of the arguments of Senators William S. Hastings and John Pickering in support of the bill.

Representative Lowell began by asserting that there were loopholes and ambiguities in the existing statute which resulted in a considerable amount of successful evasion of the unlimited-liability principle. That seems to have been true, but, if the principle was a desirable one, the existence of such loopholes was hardly an adequate reason for its complete abandonment. In arguing that the experience of Massachusetts with the principle proved that it was undesirable, Lowell stressed in the main the points made by the governor but put more emphasis than had the latter on the flight-of-capital thesis. He asserted that no less than $7,000,000 of Massachusetts money was invested in factories in New Hampshire, a state in which limited-liability charters had been available for some years, and that there were substantial Massachusetts investments in two other limited-liability states—Connecticut and New York.

Representative Brooks, on the same side, seems to have concerned himself more with eulogizing the limited-liability principle in general than with pointing to specific evil consequences for the textile industry of the Commonwealth's past unwillingness to adopt it. Representative Sturgis, in rebuttal, insisted that Massachusetts investments in New Hampshire textile mills were made at a time when the textile industry was booming and were motivated by reasons other than that state's adoption of limited liability. He asserted that now that the textile industry was going through a period of hard times, Massachusetts capitalists were no more eager to invest in New Hampshire enterprises than in those of their own state. As for the fall in the value of Massachusetts mill shares, he contended that, except in the case of companies which had been mismanaged, it was no greater than the depreciation of property values in general in a period of falling prices.

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[1] *Boston Daily Advertiser*, February 12, February 21, February 25, and March 3, 1830.

Representative William Sturgis (1782–1863) was one of Boston's leading merchants. The conflict of interest between those Boston merchants who were importers of British textiles and those Massachusetts manufacturers who were producers of domestic cottons and woolens was obvious and had resulted in clashes over the question of a protective tariff. William Sturgis's enterprises were, however, concerned with the China trade and not with trade with Great Britain. There would, therefore, seem to be no basis for suspecting that his unwillingness to have the legislature confer new privileges on Massachusetts manufacturers was motivated by his individual economic interests. For good accounts of this interesting man, see *Dictionary of American Biography* and 1 *Proceedings* VII. 420–473.

[2] A copy of this pamphlet is in the Massachusetts State Library.

The arguments of Senators Hastings and Pickering in support of the bill did not differ greatly from those made by the governor and by the bill's adherents in the House, but Senator Hastings added one new note. He contended that unlimited shareholder liability, by enabling manufacturing corporations to obtain credit in an amount in excess of the value of their business assets, encouraged their managements to engage in reckless expenditures and thus increased the likelihood of business failure.

The new law was to be applicable to all manufacturing corporations thereafter formed.[1] It did not abolish individual liability completely but provided that the shareholders should be jointly and severally liable for all corporate debts until the whole amount of the capital stock, as fixed at the first meeting of the corporation, should be paid in and a certificate of such payment should be filed in the Registry of Deeds.[2] They were to be free from liability thereafter, unless the corporation should fail to publish an annual statement of the amount of all assessments which had been voted and paid or should pay dividends out of capital; in either event the shareholders would become personally liable for any debts then due.[3] Manufacturing corporations already in existence could obtain the benefits of the new law with respect to their future debts by voting to adopt it and filing a statement of their financial condition.[4]

It should be noted that, although this law was a general one, applying to all subsequently created companies and to all existing ones which accepted it, it did not dispense with the necessity of obtaining a special act of incorporation for each business organization. Limited liability was no longer a boon wholly withheld from industrialists, but it, together with all other corporate privileges, continued to be a boon granted only in the discretion of the legislature.[1] Such grants were very numerous, and it would appear that few petitions for industrial incorporation were rejected. Yet those who lacked political influence might find themselves confronted by serious delays and might fail to get their petitions granted except in a modified form.

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[1] The House of Representatives adopted the act by the rather narrow margin of 205 to 178. *Boston Daily Advertiser*, February 20, 1830.

[2] Act of February 23, 1830, § 6, Mass. Laws 1828–1831, c. 53, p. 328. This liability was not necessarily a burdensome one. Section Three of the act made it possible for a corporation to fix a small initial capital and increase the amount later up to the maximum permitted by the special act chartering the company. If this were done individual liability would cease as soon as the small initial capital was paid and a certificate of such payment filed. Although an additional certificate was to be filed if and when the capital was increased, no individual liability of shareholders was to result from the failure of the corporation to obtain the full amount of the increase.

[3] Section 7, *ibid.* [4] Section 13, *id.* at 332.

The references in the *Boston Commercial Gazette* of January, February, and March, 1836,[2] to the slow legislative progress of a bill to incorporate the Boyden Malleable Cast Iron and Steel Company give a graphic picture of the difficulties occasionally experienced by promoters of new incorporations. The bill was taken up by the House of Representatives for a third reading on January 26, 1836. It was actively opposed on that day and the next both by legislators whose objections were confined to the particular case and by those who were opposed to the granting of any manufacturing charters. On February 2, after a lengthy discussion, the bill was laid on the table to await the report of a committee in charge of a bill to authorize limited partnerships. It was further debated on February 5 and February 26, and, on the latter of these dates, was amended so as to cut in half the authorized capital. As thus amended it became law on March 6.[3] The case is not a typical one, however, and the 17 other manufacturing enterprises which were granted charters at the same legislative session seem to have encountered much less difficulty.

Whether such delays were frequent or not, the new legislative acceptance of the limited-liability principle did not result in any immediate acceleration of the rate at which new manufacturing corporations were chartered. During the twenty years beginning with 1809, the year when the principle of unlimited liability was definitely established, and ending with 1829, the last full year during which such liability was in existence, Massachusetts chartered some 190 textile companies and a substantial number of manufacturing companies of other types.[1] In 1828 and 1829, the two years preceding adoption of the limited-liability principle, new incorporations were respectively 23 and 18. In 1830—the year of the new law—there were only four such incorporations. In 1831, there were 20, in 1832, 18, in 1833, 24, in 1834, 24, and in 1835, 18—numbers substantially equivalent to those of 1828 and 1829. A large increase in 1836 and 1837 was followed by a sharp decline in 1838, which was presumably due to the depression that had begun in the preceding year.

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[1] Limited liability of investors who took no active part in the business did become available in Massachusetts as early as 1835 for inactive members of partnerships under the Limited Partnership Act of March 10, 1835, Mass. Laws 1834–1836, c. 48, p. 353. Very little use seems to have been made of that act by manufacturing enterprises.

[2] *Boston Commercial Gazette,* January 26, January 29, February 2, February 5, February 26, and March 5, 1836.

[3] Act of March 6, 1836, Mass. Laws 1834–1836, c. 38, p. 339.

Some of the manufacturing corporations organized after 1830 were very small enterprises, a fact which suggests that the owners of small businesses may have been more willing than they had been in earlier years to incur the expense necessary for obtaining a charter, now that a charter meant limited liability. One would expect that the new rule of limited liability would also, by increasing the marketability of corporate shares, have encouraged the creation of large-scale enterprises. There is evidence which suggests that it may have had that effect to some extent. The large Massachusetts cotton mill was, however, in its origin, a response not to liberal incorporation laws but to a new method of manufacture, which combined power-driven spindles and power-driven looms in a single plant.[2]

The companies employing these methods which were organized prior to 1830 were enterprises of substantial size, potentially at any rate. The largest of them, the Appleton and Merrimack Companies of Lowell and the Three Rivers Company of Palmer, had authority to own property or to issue stock to the value of $1,000,000 or more.[3]

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[1] For a list of textile company incorporations, see Ware, *Early New England Cotton Manufacture*, Appendix A.

[2] Ware, *Early New England Cotton Manufacture*, 60–78. That method was first used by the Boston Manufacturing Company, organized in 1812 by Francis C. Lowell, Patrick T. Jackson, Nathan Appleton, and several other Boston capitalists. These same men soon obtained additional charters for four enterprises of the same sort in or near the new town of Lowell—the Merrimack Company of 1822, the Hamilton Company of 1825, and the Appleton and Lowell Companies of 1828. *Ibid.* at 80. For the acts incorporating these companies, see Massachusetts Laws for the appropriate years. Factories using similar production methods were before long established by other entrepreneurs.

[3] The Merrimack Company, in that part of Chelmsford which later became Lowell, was incorporated in 1822 with an authorized capital of $600,000. Act of February 6, 1822, Mass. Laws 1818–1822, c. 46, p. 631. That amount was doubled the following year. Act of June 13, 1823, Mass. Laws 1822–1825, c. 17, p. 225. The Appleton Company of Lowell was incorporated in 1828 with an authorized capital of $1,000,000. Act of February 4, 1828, Mass. Laws 1825–1828, c. 46, p. 651. The Three Rivers Company of Palmer was incorporated in 1826 and authorized to hold real estate worth $300,000 and personal prop-

The enactment of the new law conferring the benefit of limited liability was followed by the organization during a period of four years of four million-dollar textile corporations[1]—one more company of that magnitude than had been organized during the entire period preceding its enactment.[2] Moreover, some of the larger of the older companies, after adopting the provisions of the new law, obtained legislative permission to issue additional capital.[3] Thus limited liability may have been a substantial stimulus to large-scale business even though it was not an essential element in creating it.

And now, lastly, for the third stage—the General Incorporation Act of 1851. Although the legislature accepted the principle of limited liability in 1830, it continued for another twenty-one years to require those who desired incorporation for industrial purposes to petition for a special act of incorporation. Efforts to induce it to pass a general act for the incorporation of manufacturing companies were, however, made from time to time. Special charters, which, even if rather freely granted, had the appearance of being special privileges, were abhorrent to the principles of Jacksonian Democracy. In 1840, Governor Marcus Morton, a Jacksonian Democrat, told the legislature in his first inaugural message that "If facilities for combined action in ordinary business transactions, be deemed necessary or useful, they should be created by a general law, like the law of limited partnerships, which should be alike accessible to all; and of which every joint stock company might avail itself, without requiring the agency of the legislature."[4] After his re-election three years later following two intervening Whig triumphs, he renewed his recommendation for a general manufacturing corporation act, but now coupled it with a

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erty worth $700,000. Act of January 21, 1826, Mass. Laws 1825–1828, c. 56, p. 105. Lowell, which was founded in 1822, had attained a population of 20,000 by 1840. George Tucker, *Progress of the United States in Population and Wealth in Fifty Years* (second edition, Boston, 1855), 128. In 1840 Lowell had more large factories than any other city or town in the United States.

[1] Lawrence Company of Lowell, 1831: capital, $1,350,000; Cabot Company of Springfield, 1832: capital, $1,200,000; Fulton Company of Boston, 1832: capital, $1,300,000; and Boott Company of Lowell, 1835: capital, $1,150,000. See Ware, *Early New England Cotton Manufacture*, Appendix A.

[2] See note 3 on page 249.

[3] See, *e.g.*, Act of March 11, 1836, increasing the capital of the Lawrence Manufacturing Company, Mass. Laws 1834–1836, c. 14, p. 658; Act of February 11, 1837, increasing the capital of the Merrimack Manufacturing Company, Mass. Laws 1837–1838, c. 9, p. 11.

[4] Governor's Address, January 22, 1840, Mass. Acts & Resolves 1839–1842, pp. 292, 301.

plea for a restoration of the principle of full shareholder liability.[1] A bill, drafted to carry out these recommendations, was promptly reported by a joint legislative committee, but it never became law and apparently was kept from coming before either house for a vote.[2]

Defeat of Governor Morton and his Democratic majority at the ensuing fall election put an end to proposals to make full shareholder liability once more a general principle of Massachusetts industrial corporation law. It also led to the wiping out of the one small gain that the advocates of such liability had made in the preceding legislative session, when they had succeeded in amending a bill for the incorporation of the American Hosiery Company so as to provide for unlimited liability.[3] On February 23, 1844, the charter of that company, the only manufacturing charter granted during the preceding year, was amended so as to strike out the provision for shareholder liability.[4]

Four years later, two proposals for self-incorporation of manufacturing companies failed of enactment despite favorable committee reports,[5] but in 1851 a somewhat similar but more elaborate bill, amended so as to make shareholders personally liable for wage claims, was placed on the statute books.[6] The new act authorized any three or more persons to incorporate an enterprise with a capital of not less than $5,000 nor more than $200,000 for the purpose of carrying on any kind of manufacturing, mechanical, mining, or quarrying business by complying with certain statutory requirements. Corporations formed under the new law were to be subject to the provisions of Chapters 38 and 44 of the Revised Statutes of 1836. Chapter 38 was a reënactment of the Act of 1830 and contained the shareholder-liability provisions of that Act. Chapter 44 dealt with such liability only to the extent of providing a procedure for its enforcement.[7]

[1] Governor's Address, January 20, 1843, Mass. Acts & Resolves 1843–1845, pp. 115, 128.

[2] Mass. House Doc. No. 51 (1843). The files of the *Boston Daily Advertiser,* a paper which at that time reported legislative proceedings very fully, contain no reference to the bill except a statement that it had been introduced and ordered to be printed.

[3] See *Boston Daily Advertiser,* March 8, 1843.

[4] Act of February 23, 1844, Mass. Acts & Resolves 1843–1845, c. 30, p. 165.

[5] Mass. Sen. Doc. Nos. 99 and 141 (1848).

[6] Act of May 15, 1851, Mass. Acts & Resolves 1849–1851, c. 133, p. 633. The bill as originally introduced contained no provision for shareholder liability. Mass. House Doc. No. 55 (1851).

[7] Mass. Rev. Stat. of 1836, c. 44 § 22.

Despite the enactment of the new law, petitions for the creation of manufacturing corporations by special act continued to be presented to the legislature and for a few years to be granted with considerable frequency.[1] That such was the case was due in part to the limitation of authorized capital in the general act to the modest sum of $200,000,[2] and in part to promoters' objections to the publicity requirements of the act, which were somewhat modified in 1854.[3] According to an 1856 report of a joint legislative committee, it was due also, to a considerable extent, to the idea that the legislature, by granting some requests for special acts and refusing others, had given companies which obtained special acts greater prestige than those incorporated under the general law.[4] Arguing that any validity which that idea might have had would disappear if the legislature stopped enacting special laws for companies which could make use of the general act, the committee repeated its recommendation of the preceding year[5] that petitions for special acts be denied in all such cases. Its reports list twenty-six such petitions for 1855 and four more for 1856; all were denied. Thereafter, the practice of enacting special incorporation acts for industrial companies seems to have been abandoned except for cases in which a larger capital than the statutory maximum was deemed desirable.

The provision making shareholders unlimitedly liable until the entire initial capital had been paid in was eliminated in 1870,[6] in which year the act of 1851 was substantially revised. Thereafter unlimited liability existed in one situation only. An 1855 act, which authorized manufacturing corporations to issue a special type of redeemable preferred shares, contained a clause which made the holders of common shares unlimitedly liable for corporate debts so long as any of the special shares were outstanding.[1] These curious provisions, which were the only ones that authorized manufacturing corporations to issue shares having preferential rights, remained in effect until 1903.

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[1] For comparative lists of incorporations of manufacturing companies by general and special act in 1851–1854, see William Emmanuel Rappard, *Corporations d'Affaires au Massachusetts* (Paris, 1908), 244.

[2] This limitation was changed to $500,000 in 1855 and to $1,000,000 in 1871. Act of March 19, 1855, Mass. Acts & Resolves 1854–1855, c. 68, p. 534; Act of March 22, 1871, Mass. Acts & Resolves 1871, c. 110, p. 499. It was finally removed altogether for manufacturing and mechanical corporations in 1899 and for other types of corporations in 1903. Act of March 28, 1899, Mass. Acts & Resolves 1899, c. 199, p. 161; Act of June 17, 1903, Mass. Acts & Resolves 1903, c. 437, p. 420.

[3] Act of April 29, 1854, Mass. Acts & Resolves 1854–1855, c. 438, p. 346.

[4] Mass. Sen. Doc. No. 81 (1856). [5] Mass. Sen. Doc. No. 127 (1855).

[6] Act of May 9, 1870, Mass. Acts & Resolves 1870, c. 224, § 39, p. 164.

The Massachusetts experience with unlimited liability is paralleled to some extent by that of the other New England states. In all of them there was a considerable period during which the unlimited-liability corporation was a common type of industrial organization and was the only kind of manufacturing corporation which the legislature, as a general rule, was willing to create. The dates at which the other New England states abandoned the practice of inserting full-liability provisions in industrial charters varied widely. Connecticut and New Hampshire accepted the limited-liability principle in all or substantially all charters granted after 1816;[2] Vermont, which never became an important industrial state, imposed full liability in about half the manufacturing charters granted during the period between 1810 and 1815 but rarely imposed it thereafter; Maine, which was part of Massachusetts until 1820, abandoned the Massachusetts full-liability policy in 1823;[3] Rhode Island, which did not begin to grant manufacturing-company charters in substantial numbers until the 1830's, adhered to the full-liability principle until 1847[4] without thereby losing its position as the second state in the Union in the value of its cotton-textile products.[5]

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[1] Act of May 3, 1855, Mass. Acts & Resolves 1854–1855, c. 290, p. 702.

[2] It was not until 1837 that New Hampshire enacted a general limited-liability act, which was similar to the Massachusetts Act of 1830. N. H. Laws 1837, c. 322, p. 297. But after 1816 New Hampshire ceased to include unlimited-shareholder-liability provisions in the charters which it granted to manufacturing companies.

A Connecticut act of May, 1817, Conn. Rev. Stat. tit. 62, p. 316 (1821), enabled pre-existing manufacturing corporations to obtain limited liability by filing a statement of the amount of their capital. Although the act did not apply to corporations created thereafter, the shareholders of such corporations were exempted from personal liability by the terms of the acts which chartered them.

[3] Act of February 5, 1823, reprinted in 2 Me. Laws c. 221, p. 37 (1833). This act was very much like the subsequently enacted Massachusetts Manufacturing Corporation Act of 1830.

[4] Act of June, 1847, R. I. Pub. Laws 698 (Supp. 1844–1855).

[5] According to the United States census of 1840, the first census in which figures of the kind are given, the rank of the states in capital employed in textile production was as follows: Cotton textiles: Massachusetts, Rhode Island, New Hampshire, New York, Pennsylvania, Connecticut. Wool textiles: Massachusetts, New York, Connecticut, Pennsylvania, New Hampshire, Rhode Island. Tucker, *Progress of the United States*, 160. Their rank in value of annual product was somewhat different, being as follows: Cotton textiles: Massachusetts, Rhode Island, Pennsylvania, New York, New Hampshire, Connecticut. Wool tex-

The legislators of the other northeastern states were no less reluctant than were New England legislators to make the principle of full immunity from personal liability freely available to industrial investors, but they rarely attempted to solve the problem of combining encouragement of enterprise with protection of creditors by the peculiar New England method of creating unlimited-liability corporations. New York enacted a general manufacturing-corporation act as early as 1811, but limited the capital of companies organized under it to $100,000 and their duration to twenty years.[1] Although shareholders' liabilities under this act were not unlimited, the act did impose a shareholders' liability on dissolution similar to the double liability until recently imposed on shareholders in national banks—a liability to pay, if needed for the benefit of creditors, an amount equal to the par value of their shares even if those shares had been paid for in full at the time of issue. New Jersey enacted a similar statute in 1816,[2] and, for a considerable time after its repeal in 1819,[3] usually incorporated double-liability provisions in the special acts by which manufacturing companies were incorporated. Pennsylvania manufacturing corporation charters were silent with respect to shareholder liability both before and after it had become a definitely established principle of American law that such silence implied immunity from liability.[4] That fact has little significance, however, since during the first third of the nineteenth century Pennsylvania was by contrast to other important industrial states extremely niggardly in granting industrial charters on any terms, although it granted charters liberally for certain other types of business enterprise.[5] With the exception of Maryland, which contained considerable industry in and around Bal-

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tiles: Massachusetts, New York, Connecticut, Pennsylvania, Vermont, Rhode Island. *Ibid.* at 172 *et seq.* But *cf.* the slightly different figures for "articles, value" in *ibid.* at 160.

[1] N. Y. Laws 1811, c. 67.

[2] N. J. Acts, 40th Gen. Assembly, 2d sitting, 1816, p. 17.

[3] N. J. Acts, 43d Gen. Assembly, 1819, p. 25.

[4] Pennsylvania did belatedly adopt the unlimited-liability principle by its Manufacturing Corporation Act of April 20, 1853, Pa. Laws No. 356, p. 637, but an amendment adopted a year later, Act of March 27, 1854, Pa. Laws No. 184, p. 215, restricted such liability to debts incurred for wages and for the purchase of machinery or supplies.

[5] By 1835 Pennsylvania had incorporated only 18 manufacturing companies. Miller, "A Note on the History of Business Corporations in Pennsylvania, 1800–1860," *Quarterly Journal of Economics,* LV (1940), 150, 156. By that date Massachusetts had incorporated approximately 350 such corporations and New York approximately 300 (including those organized under the general act of 1811).

timore,[1] and early adopted and generally adhered to the policy of granting in substantial numbers manufacturing charters with no provisions for individual liability,[2] the states south and west of Pennsylvania were not important industrial areas during the early nineteenth century.[3]

It would be very difficult to establish any clear relationship between these varying policies of the northeastern states with respect to individual shareholder liability and the industrial growth of each of them. There is some indication that the early adoption of the limited-liability principle by New Hampshire and Connecticut[4] stimulated the development of the cotton-textile industry in those states.[5] Yet both states continued to lag, as producers of cotton textiles, behind Massachusetts, which did not adopt the principle until 1830, and Rhode Island, which did not adopt it until seventeen years later.

No doubt the development of American industry would eventually have been seriously retarded if our legislatures had failed to encourage investment by limiting the investor's risk. Nevertheless, the early industrial history of Massachusetts and Rhode Island as well as that of England furnishes persuasive evidence that, granted otherwise favorable conditions, the factory system of industrial organization can live and thrive under a legal system which denies to those who invest for profit the right to limit their risk-taking to the amount of their investment.

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[1] Clark, *op. cit. supra*, note 8, at 453.

[2] Joseph Gregory Blandi, *Maryland Business Corporations, 1783–1852* (Baltimore, 1934), 51.

[3] It is true that the 1840 United States census figures give Ohio and Virginia fairly high rank in value of annual product of manufactures, but much of the product included—houses, for example—was not produced in factories. See Tucker, *Progress of the United States*, 172 *et seq.*

[4] Connecticut and New Hampshire adopted the limited-liability principle in 1817, but during the years immediately following the termination of the War of 1812 American industry was depressed and few manufacturing enterprises were launched in any state. During the period 1822–1829—an era of limited liability in Connecticut and New Hampshire and of unlimited liability in Massachusetts—the number of Connecticut and New Hampshire manufacturing-corporation charters was a higher percentage of the number granted by Massachusetts than had been the case during the period when all three states imposed full liability on shareholders in such corporations.

[5] Although the total amount of capital invested in the cotton-textile industry appears to have been greater in Rhode Island than in New Hampshire, the New Hampshire mills were, generally speaking, substantially larger. See Ware, *Early New England Cotton Manufacture*, 80, 81, 85, 117, 138. The small size of most of the Rhode Island mills seems to have been due to Rhode Island's method of manufacture and to the small-scale character of most of the water power available in that state rather than to the state's failure to encourage industrial investment by enacting a limited-liability law.

It is probably true that the wide distribution of corporate shares among large numbers of small holders which has come to be a characteristic feature of most of the larger industrial enterprises of the present day could not have come about if share-ownership still involved personal liability for corporate debts. But, although trading in the shares of industrial corporations was not unknown in quite early days,[1] stock-market activity was mainly concerned with railroad securities until towards the end of the nineteenth century.[2] Investment in industrial shares by the general public did not take place on a large scale until the 1890's—a period when investment bankers were beginning to form industrial combinations and to sell the securities created in the process to their customers. Fifty years after 1830—the year in which the Massachusetts legislature substituted the limited-liability manufacturing charter for the full-liability charter—the characteristic type of American manufacturing company was still the corporation with a rather small number of owners. It is doubtful whether the development of corporations of that type and the growth of American industry through their instrumentality would have been greatly retarded if all the states had withheld the privilege of limited liability from American industrial entrepreneurs for a half-century after 1830.

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[1] There was trading in the shares of a few textile companies on the Boston Stock Market as early as 1835. Joseph G. Martin, *History of the Boston Stock and Money Markets, 1798 to January, 1898* (Boston, 1898), 126.

[2] A list of prices of stocks on the New York Stock Exchange for the week ending December 31, 1886, lists less than a dozen manufacturing companies as traded in during the week. See *Commercial and Financial Chronicle,* XLIV (1887), 13.

A Yankee Points the Way to His Posterity

By Augustus Peabody Loring, Jr.[1]

The letter of paternal advice printed below was found by George Peabody Gardner, cousin of the author of this introduction, among some family papers of their great-great-grandfather in common, Samuel Pickering Gardner. When his cousin submitted it to him to read here in the Society several years ago, he anticipated anxious doubts as to its novelty and possible interest for others. It proved so pungent on examination that Samuel Eliot Morison was asked to read it and pass on its merits. At first the admiral was adamant, for he was tired, so he said, of what he was pleased to call the "tripe" of the pious forebears of New Englanders. Yet even he has been known to change his mind now and then—if however quietly. Having been persuaded to read the manuscript, he returned with the pronouncement: "It's really quite interesting, and well worth reading."

Although the letter is of no great historical importance, it shows how one Boston gentleman looked at life as long ago as 1812. If we take into consideration the background of the writer, his advice is surprisingly sound. The amusing fact that Gardner's warnings have been disregarded by many of his descendants does not necessarily impair the value of his advice.

Samuel Gardner was born in Salem, May 19, 1767, and was graduated from Harvard on July 15, 1786. For four years he engaged in mercantile business with his brother in Charleston, South Carolina, but in 1793 decided to settle in Boston, where he spent the rest of his respectable and prosperous life. But there were two other Samuel Gardners living in Boston at the time so, in order to avoid confusion, he inserted his mother's family name of Pickering in his own, according to an act of the Federal Court dated February 15, 1796. He set up business as a merchant, first at Number 66, Long Wharf, and afterwards at 15, Winter Street.

In 1800 he purchased the "Mansion House" with the land and appurtenances thereto on Summer Street, where the shop of C. F. Hovey is now situated. He improved the property greatly, and kept a detailed account of the costs in a diary now in the possession of George Peabody Gardner. Before long he married Rebecca Russell Lowell, the daughter of Judge John and Sarah (Higginson) Lowell, who was born May 17, 1779. She survived her husband, of course, and by ten years, dying in Boston, May 11, 1853, and leaving behind her, according to the inventory in the Suffolk Probate Records, the house on Summer Street and personal property amounting to $32,618.08—a goodly fortune in those happy days.

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[1] This paper was read at the January, 1947, meeting.

Gardner died in Boston, December 18, 1843. A portion of the obituary notice in the *Boston Advertiser* of December 22, 1843, referring to his career as a merchant reads:

> . . . he continued with success, until he acquired a fortune that satisfied all his wishes; while thus engaged he maintained the honorable character of a merchant in its highest and best sense. Always considerate of the rights and feelings of others, and eminently just in all his dealings, he was respected, confided in and trusted. He retired from business many years since and devoted himself to his family, his books and friends. His information was various and in some departments of knowledge, extensive and exact. His books occupied much of his leisure, and his zeal in the acquisition of his knowledge, knew no abatement to the close of his life. He was an intelligent and careful observer of the appearances and operations in the natural world; and has recorded many interesting facts which came within his notice or occurred in the course of his reading. In his opinions upon all important and interesting subjects, he was decided; but was so courteous and mild in his expression of them, that he passed through life without any of those unpleasant collisions from which few are exempted. He took an interest in the establishment and progress of all good institutions, and was ever ready to contribute to their support by his example, his services and his wealth. He had no ambition for the notoriety or distinctions of public life. He never sought office and never accepted it except from a sense of duty. He was much "given to hospitality" and the kindness and urbanity of his manners made his house the resort of a cheerful and happy society. Advancing years had in no wise deadened his enjoyment of the pleasures of social life, or clouded the natural cheerfulness of his temper. Surrounded by a prosperous family, whose devoted attachment constituted a great pleasure of his life, he passed tranquilly to its close, and was at last, gathered to his fathers in a good old age.

He had six children, three girls and three boys, only two of whom lived to maturity. This message was written for two boys—aged eight and three at the time—about four months after the outbreak of "Mr. Madison's War." American vessels were bottled up in port, and Federalists were talking secession and preparing to meet at Hartford. New England was justifiably if fiercely opposed to the rash American attack on the United Kingdom, for New England still lived from the sea. The protests which Gardner entered in his diary, were vigorous and vehement. But the War of 1812 was not the only source of Gardner's cautious warnings to his children. Deism, it has been written, had been drifting about Europe and British America since the seventeen-sixties. The French Revolution, followed with breathless interest in the United States, gave a fillip to religious skepticism. Harvard, of course, came up for attack by the timid, who always call themselves "conservatives."

As early as November, 1791, a writer in the Boston press accused the College of poisoning the minds of its students with the pages of Edward Gibbon's *The History of the Decline and Fall of the Roman Empire*, the first volume of which appeared in 1776 and the last in 1788. President Willard felt obliged to reply that the *Elements of Universal History* of the amiable Frenchman, the Abbé Claude François Xavier Millot (1726–1785), preceptor to his Grace the duc d'Enghien, was the basis of History as taught at Harvard—that Gibbon was never so much as heard of.

Yet not all the students were convinced by the pious priest. After leaving Harvard prematurely about 1812, Nathaniel, the younger brother of the well-known Fisher Ames, wrote that Millot's *Elements* was "the most utterly worthless and contemptible work of that kind or any other extant," recording a sample of one of his recitations on it. "Did Cato die?" asked his tutor. Ames thought he was safe in answering: "Yes, Sir!" But he was wrong, "for the profound and accurate tutor immediately replied, 'No he did not; he killed himself!'"[1]

September 1812

MY DEAR BOYS:—

I have long intended to offer you my advice respecting your conduct, and pursuits, during that period of your lives which is particularly devoted to your instruction; the great solicitude I feel for your future welfare makes me desirous of impressing on your minds the few following hints, which if duly attended to, will make you (what every affectionate parent wishes his sons to be) useful and honorable men.—

The objects particularly to be attended to, are; to preserve your bodies in health, to fill your minds with *useful* knowledge and to regulate the affections of your hearts. I shall notice each of these in the order in which they stand. [2]

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[1] See Samuel Eliot Morison, *Three Centuries of Harvard: 1636–1936* (Cambridge, 1936), 184–185.

Without a pretty good share of health we can have but little enjoyment in life, and are a burthen to our friends; it is therefore highly important to attend to those means that are most likely to promote health, and to avoid those things which destroy it. Very many persons (of whom I have the misfortune to be one) are born with such feeble constitutions that even with considerable attention to themselves, they are doomed to a great deal of bodily pain, but the strongest may soon be destroyed by imprudence.

Many long treatises have been written on the means of preserving health but all that is essential may be comprised in a few sentences. Exercise freely especially in the open air, and never let it be too long intermitted. Sleep in well ventilated rooms [3] in warm weather, on a hair mattress and not under too many bed clothes. Do not load the body with too many garments in summer, nor expose it by wearing too few in winter. Be moderate in your diet.

Avoid every kind of excess, particularly in what are termed pleasures, an immoderate indulgence in which never fails to produce a long and fruitless repentance, and enervate both the mind, and body; by too frequent a relaxation, the mind loses its relish for pleasures, and finds no enjoyment in the common concerns of life. The last years of a life spent in dissipation generally exhibit the most striking picture of human misery, and nothing surely is more contemptible than an old worn out sensuallist [4] tottering under the load of diseases which his vices have produced.

All violent passions are injurious; by reading Hume's life written by himself (prefixed to his history of England) you will find how many of the evils of life he escaped by never suffering himself to be excited by those passions, which too generally agitate the rest of the world; I never read this tract without feeling myself the better for it.

Although a great deal of exercise is useful particularly to boys, yet it may be too severe, and continued too long, all violent exertions of the strength are hurtful. In all things observe the precept of the Roman poet Terence,

Ne quid nimis
Nam id arbitror ad prima in vita esse utile.

which may be translated in two words: avoid excess. [5]

There are some men who have spent their lives in study, whose acquisitions are of no value; In order to fill your mind with *useful* knowledge I would advise you to waste no time on works of little merit; under this head I include nearly all modern novels, most of the poetry that has been written within the last seventy five years; and many of the periodical publications; I would not altogether exclude books of mere amusement, for they serve to fix the attention and create a love of reading in young children; the best books I recollect for this purpose are *Robinson Crusoe*, *The Arabian Nights Entertainments*, *Gulliver's Travels*—and at a little more advanced age *Gil Blas* and *Don Quixote*—but when you shall have arrived at that [6] age when you may commence something like a regular course of reading, I would advise to confine yourselves almost entirely to works of acknowledged merit and reputation, particularly to the writings of the greatest historians both ancient and modern. Of the former the foregoing should be read with great attention and more than once: Herodotus—Belar's translation, Polybius—Hampton translation, Thucydides—Smith translation, Xenophon, Caesar—Duncan translation, Livy—Baker translation, Tacitus—Gordon translation, Sallust, and Suetonius, *The Twelve Caesars.* I would also advise you to read once over Josephus and the minor historians such as Eutropius, Justin, and Florus. I own all the above except Xenophon. The translations mentioned are among the best in the English language, except Gordon's *Tacitus,* which I think has less reputation [7] than it deserves. I have never read Dionysius of Halicarnassus nor Paterculus, but their writings are in high esteem.[1]

The modern historians to whom I would particularly direct your attention, are: Hume's *England* with Smollett's and Bassett's continuation, Robertson's *Scotland, Charles V,* and *America,* Goldsmith's *Greece, Rome,* and *England,* Burnet's *History of the Reformation* abridged, Rollin's *Ancient History,* Millot's *General History,* Mitford's *History of Greece,* Gillies' *History of Greece,* Gillies's *History of the World from Alexander to Augustus,* Ferguson's *Roman Republic,* Gibbon's *Decline and Fall of the Roman Empire,* Hook's *Roman History,* Voltaire's historical works, Watson's *Philip Second* and *Third,* Marshall's *Life of Washington, History of France, Spain, and Rome,* by an anonymous author, all of them [8] I own, and think them very valuable histories. The only part I do not approve of is that portion of the history of Spain which particularly treats of the Moors, the materials for which he chiefly collected from Gibbon, and in which he has adopted his style—the other parts of both histories are more free from this fault.

In reading long historical works I have found an advantage in running over at the same time some small compendium of the same, this practice serves to bring up and fix in the mind many events that had made but a light impression on reading the longer work. In reading history you should always have a map of the country before you, with books of reference such as Potter's *Greek Antiquities,* Adam's *Roman Antiquities,*—Stackhouse's *General* [9] *View of Ancient History and Chronology,* Lemprière's *Classical Dictionary, Tablet of Memory, etc.* The style of Gibbon is in my opinion very faulty but he makes amend, by his correct arrangement of the greatest mass of historical facts that were ever compressed into one history. Gillies has imitated the style of Gibbon and like all imitators is inferior to his prototype.

I would next recommend to your attention the following works which ought to be read again, and again, till not only the thoughts but the manner of expressing them are indelibly fixed in the memory: Homer, Virgil, Horace, Cicero's *Orations,* Demosthenes' *Orations,* Plutarchs *Lives,* Cornelius Nepos, Milton, Pope, Shakespear [10] Plutarch's Lives, and Cornelius Nepos, have contributed perhaps more than any other books to inspire the mind of youth with a noble, and laudable ambition, it is almost impossible to read their lives of the great men of antiquity, without partaking in some measure of the Spirit which activated them.

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[1] Dionysius of Halicarnassus, died about 7 B.C., a Greek scholar who settled in Rome in 29 B.C. and wrote *Roman Antiquities* in twenty volumes. Marcus Gaius Velleius Paterculus (19 B.C.–30 A.D.), Roman author of an abridgment of Roman history in two books.

The frequent allusions by writers in all ages to the heathen mythology make it important that you should be acquainted with Hesiod, and Ovid's *Metamorphoses.*—

Every Reader ought to be acquainted with: *The Spectator,* Johnson's *Lives of the Poets,* Swift's *Poetical Works,* and *A Tale of a tub,* Dryden's *Poetical works,* Tasso, Ariosto, and Butler's *Hudibras.*

I own three volumes of poetical translations collected by Doctor Anderson which contain (besides the ancient poets already mentioned) [11] the works of Pindar, Anacreon, Lucan, Lucretius, Persius, Juvenal, and others, principally short pieces of writers whose works are mostly lost. These may be read as opportunities present.

Of all poets since the days of Virgil, Pope, in my opinion is decidedly the first, for we certainly ought to pronounce him the best, whose writings are oftnest read, and with the greatest pleasure, by all descriptions of readers, who have any love of poetry. Milton, and Shakespear, alone, perhaps of all the English poets excelled him in genius but they often offend by faults of language, or sentiment, which Pope never does.

Do not waste any time in reading the trash of Darwin, Hayley, Seward, Barlow, Gray (except his church yard), and a whole host of others who have sprung up within the last half century and who have corrupted both the taste and language of the English nation in a high degree. Crabbe seems to be the only modern poet who is free from affectation and false glare. I have never [12] read Walter Scott's poems, and they are much admired by some persons who have a taste for the noble simplicity of the ancient poets.

When you approach the age of manhood (and not before) read Locke's *Essay Concerning the Human Understanding* and Smith's *Wealth of Nations,* the latter with great attention and several times over. I know of no book that produces so correct a course of thinking, on subjects that are continually occuring as this book does. At the same period Blackstone's *Commentaries on the Laws of England* should be read; let your professions be what they may.

I have now got through with the list of Books which I have thought it important particularly to recommend to you, and shall now make a few remarks on some other studies. [13]

Astronomy deserves considerable attention, for no other science inspires such sublime ideas of the Creator, as a contemplation of the magnitude, order, and perfection, of this part of his works. The study of Mathematics is an excellent discipline for the mind, superior in that respect to metaphysics for I think it important that the mind should be able to arrive at certainty at last, which it cannot in metaphysical disquisitions. It is disgraceful not to have a pretty good knowledge of Geography and some of the best books of Travels should be read with attention.

A man of Education should not be entirely ignorant of natural, and experimental philosophy, and natural history, but a very accurate knowledge of those subjects cannot be acquired without devoting a great deal of time to them [14] which may be better employed in other pursuits.

You will of course make yourselves acquainted with English Grammar, Leuth's is I believe the best, Murray's is in high repute but too long some useful observations will be found in Priestley's and the short ones prefixed to Johnson's and Perry's *Dictionary*.

Great pains should be taken to acquire, a correct and chaste style—a prose style, I mean, for I would not have you devote one moment to the writing of poetry. It has been observed "that simplicity of style is the last excellence that is attained." The reason is that "proper words in their proper places" which is Swifts definition of a good style, are less striking to the minds of youths, than pompous, bold, and figurative language where strong epithets abound, and [15] although Burke and Ames are delightful to read, because their language seems to be the natural expression of their bold and exuberant ideas, yet when a common writer clothes his feeble conceptions in such language he only exposes himself to ridicule. The writers who are most frequently recommended as models of good writing, are Addison, Swift, Hume, Robertson, Lord Bolingbroke, Johnsons *Lives of the English Poets*, but not his other works. Lord Chatham in his letters to his nephew, Lord Camelford—a book that contains some excellent advise—particularly recommends, the style of Lord Bolingbroke—his own in these letters is admirable. Barrow's *Treatise on Education* is a very valuable work, his sensible remarks are conveyed in very pure and easy language.

As to an epistolary style there is not any thing in the English language [16] that I have seen superior to the letters of Thomas Lord Lyttleton, and Lady Mary Wortley Montague. In writing and conversation be sure never to use a stronger expression than the case requires, superlatives are seldom either necessary, or proper. An affectation of fine feelings, is a disgusting fault in many modern publications. Sterne I believe introduced this folly but the writings of that contemptible author with his imitators are hastening to oblivion.

After you have begun a book, finish it before you begin another, and in reading history it is useful to read several of the same country in succession. I would recommend the same in studying the sciences, by devoting yourself, for instance, for one month to astronomy you will be able in that time to read several of the best compendiums on the subject, and will acquire a more correct [17] knowledge of it than you will be able to obtain in a much longer time if you allow other studies to intervene. And the information you will obtain will also be much more permanent, for by reading several books in immediate succession on the same subject you will impress the subject so forcibly on your minds that it will probably never be eradicated.

I have not arranged the authors in the order in which I would have them read, but just as they occured to me. In reading history I think it would be advisable to begin with Goldsmith's *Greece* than his *Rome and England;* next Millot, and Rollin's *Ancient History;* then the ancient historians.

Pursue with ardor whatever you undertake, and learn to rivet your attention to whatever is before you. All men who have been eminently distinguished in any [18] art or science have possessed this faculty in a great degree. Sir Isaac Newton, when he was once complimented upon his talents, replied that he was not aware that he had received from nature any extraordinary endowment, and that his success was owing to his giving his undivided attention to whatever subject he was investigating.

I hope you will acquire such a knowledge of Greek and Latin as to be able to read, and relish the beauties of the Latin and Greek authors in their own languages.[1] and also such a knowledge of the French as to be able to converse in it with facility. I very sincerely regret that I do not possess a better knowledge of these languages. Do not waste your time in trifling pursuits such as antiquarian researches, the collecting of minerals, cockel shells, rare insects, [19] mechanical employments, etc.—every man should be able to drive a nail, saw off a board, and use an ax or hatchet dextrously, for it is often useful, and may sometimes be resorted to for exercise when it is not convenient to take it in any other way, but nothing further than that.

Take great pains to acquire a distinct, and graceful utterance. The first and most important step towards attaining of which is to speak deliberately. There is frequently a convenience in being able to sketch on paper any thing you have seen, as it often helps description, but painting and music must not engross the attention of any man who does not expect to get a living by those employments. Many of the learned, or those who wish to pass for such, take great pains to [20] collect rare books; and attach a high value to certain editions. Such things discover a mind more devoted to the parade than to the true use of knowledge. Books that are rare, are generally so, because they are of little value. Those I have recommended are to be found every where, and are the best the world has ever produced, for the general use of mankind. Buy such books only as are likely to be of use to you, and are of acknowledged excellence.

I did not in any manner pursue the course of reading here recommended, but ran over any thing that came to hand in the most cursory manner which I now sincerely regret. I had no person to direct my studies, nor could I when I had the best opportunities of reading have procured the books [21] which I have here recommended. For the last twelve years I have not been able to read with much attention owing to the troublesome affections of my head. Most of the books which I have advised you to read are in my library (with many other valuable ones, and some useless ones) those which I do not own I intend to purchase when favorable opportunities present.

Practise reading aloud, for it is of great importance to read well; in some one of your little books I have met with the two following lines:

Learn to read slow all other graces
Will follow in their proper places.

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[1] Since the foregoing sentence was written by my great-great-grandfather, I have changed my opinion in some degree respecting the dead languages.

The same is equally true of handwriting and speaking—pronounce every word distinctly and audibly. It is also of importance to write a fair, legible hand. [22]

Keep consciences void of offence, towards God, and Man, this precept contains the essence of religion and morals. Do not commit any act the propriety of which you in the least doubt, and while you carefully avoid trespassing on the rights of others, take care to maintain your own; not by violent contention, or passionate retorts, for those are seldom necessary, but by a very correct deportment towards others, added to a self-respect, which always command the respect of others. But to acquire this self-respect you must abstain from all acts that justly forfeit it, such as lying, prevaricating, undue selfishness, meanness, swearing, every species of buffoonery or mimickry, censoriousness, idleness, a petulant temper, boasting, [23] and the like. Cultivate on all occasions a reverential awe of the Supreme Being; and frequently contemplate the magnitude of that power, and the perfection of that wisdom that could create, and uphold, thousands, and perhaps millions of worlds, teeming with life in an endless variety of forms—all, even the most minute insects provided with an almost infinite number of organs which fit them for the situations in which they are placed; Pliny says of them: "*In his tam parvis, atque tam nullis, quæ ratio, quanto vis, quam inextricabilis perfectio*"—a man can scarcely indulge in such reflections without being the better for them. [24]

On reading over what I have written respecting the authors I wish you to read, I find I have said less of Goldsmith than I ought—his histories are clear and concise, his style easy, correct, and elegant. His poetical essays are short, but there is scarcely any thing in the English language more beautiful.

Do not suffer your time to pass unemployed, an idle man is neither respected nor happy—be particularly careful that hours and half hours do not slip away in sauntering about or in trifling employments. It is with time, as with money an inattention to small expenses will at the end of life leave a man poor and his family a burthen to his friends or the public. And in like manner by wasting his hours and half hours in idleness (waiting for more favorable opportunities for application) a whole life may be wasted. [25]

An attention to your persons, and manners, is highly important. Without a due attention to cleanliness you become offensive to everyone you approach. Let your clothes be of a good quality, and sufficiently in the fashion of the day not to appear singular. Your good or ill success in life will depend in a great measure upon your manners, the wisest men in all ages have thought them not beneath their attention, and have often been as distinguished for the elegance of their manners, as their mental accomplishments. This has been particularly the case with the greatest men which this country has produced. I have a little book filled with excellent remarks on this subject extracted from Earl Chesterfield's *Letters to His Son*, to which is added the Marchioness De Lambert's advice to her son.[1] [26] The latter you cannot read too frequently.

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[1] Probably Claudine Alexandrine Guérin de Tencin (1681–1749), French writer and society leader, and mother of d'Alembert.

Avoid every species of affectation. Read repeatedly Lord Chatham's sixth letter to his nephew;[1] you will there see the importance which the greatest man in Europe attached to good manners. [27]

In your pecuniary transactions be extremely on your guard in becoming responsible for others; it may not be in your power always to avoid it; but let it be as seldom as possible, and never, where the smallest doubt exists on your mind of the solvency of the person you engage for. To avoid the necessity of becoming bound where you may be exposed to hazard, never let anyone be bound for you except it be those whom you know to be men of property and not engaged in extensive transactions.

I would particularly enjoin upon you to avoid as much as you can, having charge of the affairs of other people, in the capacity of executors, administrators, [28] guardians, or general agents. This duty cannot always be avoided, but shun it when you can. I have been exposed to an undue share of it, and can assure you from sad experience, it has been the greatest trouble of my life. Avoid, too, all those public employments which occupy much time and confer little or no distinction, such as selectmen, overseers of the poor, managers of savings banks, members of charitable institutions, *etc.* There are many men who delight in such employments and are willing to spend their lives in executing them—even without any compensation. And [29] although on parade days they may have a conspicuous place in a procession—yet they are not, in fact, more respected by the community, and their attention to the concerns of others generally keeps them poor.

Whatever line of business you adopt, follow that exclusively by which means you will acquire a knowledge that will enable you to pursue it to advantage, which can never be done by those who are continually varying their employments. There are many people who are very fond of engaging in new and untried adventures and though they sometimes succeed [30] yet they much more frequently fail. Adopt some regular course of business, and if you are industrious, economical, and (what I have no doubt you will be) honest, you will be rich and respectable.

April 16, 1818

Do not spend your money for trifles, many weak people cannot resist the temptation of buying every *pretty thing* that presents itself; before you buy an article or incur any expense first inquire of yourself if it be necessary and whether you can afford it, and if any doubt should arise in your minds, avoid the expenditure—be particularly on your guard against little unnecessary expenses for in the year they amount to a great sum. Save your money in your youth so that you may have it in your old age, when it will be most wanted. I have known many weak and some idle men, become rich, but I never knew any man to become so who was not an economist—by an economist I mean one who does not suffer any thing to be unnecessarily expended or wasted.

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[1] William Pitt, Earl of Chatham, *Letters Written by the Late Earl of Chatham to His Nephew, T. Pitt, Esq., Then at Cambridge* (London, 1804).

Charles Francis Adams Visits the Mormons in 1844

By Henry Adams[1]

The text of the paper which follows has been taken, word for word, from the manuscript Diary which Charles Francis Adams (1807–1886), Minister to the Court of St. James's during the Civil War, kept from May 1, 1824, to November 2, 1880—a period of fifty-six years and six months. This Diary reposes in the Adams Room of the Massachusetts Historical Society. Nothing has been omitted, but the Director has taken the liberty of adding greatly to the paper as it was read before the Society by the late Henry Adams (1875–1951) five years ago. He has corrected spelling, inserted punctuation, and established paragraphs.

Adams and his friend Josiah Quincy, Jr. (1802–1882), son of the president of Harvard and mayor of Boston, made the trip described below on the eve of the murder of the Prophet Joseph Smith and his brother Hiram, at Carthage, Illinois, where they were attacked in the jail on June 27, 1844, and shot to death by a mob of anti-Mormons. The sect had been meddling in the politics of Illinois, and threatened to become a decisive force in the partisan warfare between Whigs and Democrats. On February 15, 1844, moreover, Joseph Smith, "Lieutenant-General of the Nauvoo Legion," offered himself as a candidate for the presidency of the United States, and Mormon campaigners were scattered through the country at the time of his sudden death. The megalomania which led to his opportune martyrdom solidified the sect against the schism which the scandalous business affairs of Smith and the pleasant importation of polygamy had already provoked within this gypsy Church.[2]

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[1] This paper was read at the February, 1947, meeting. At the time of the sudden death of Henry Adams, Jr., on April 26, 1951, his manuscript was not ready for the press. The text was expanded, and then checked, from the pages of the original diary, and all the footnotes were added by the Director of the Society.

[2] For an excellent description of the character and career of Joseph Smith (1805–1844), see the notable sketch by Bernard DeVoto in the *Dictionary of American Biography*, XVII. 310–312. For a lively account of Mormonism in Illinois, and all the complicated causes which led up to the lynching of the brothers and the exodus to Utah, see Thomas Ford, *History of Illinois . . . 1818–1847* (Chicago, 1854), in particular, 251–369, especially 353–360.

The following is the first portion of the Diary ever to appear in print. The late Charles Francis Adams (1835–1915), eighth President of the Society (1895–1915), was preparing an edition of his father's journal for publication when the First World War diverted his attention from a project to which he was never to return. This was not a misfortune, for the edition which he was planning to print would have lacked thousands of entries of great interest—especially to the people of our time. The last entry has a certain pathos:

Tuesday, November 2, 1880.

A fine bright day for the election, but after depositing my vote at the general election, I hastened by the railway to supply at Boston the means which I had not specified in my cheque as payable to anybody. The country is agitated between two candidates, but will subside quietly under either. It is comforting to find so cheerful a submission to either, particularly when so audacious a substitution by open fraud had been effected last year [*sic*].[1]

A proper place to terminate a Diary that has continued from the first of May in the year 1824 to this date, fifty-six years and six months.

What I do more I do not decide.

Stewart Mitchell

Thursday, April 25, 1844.

After dinner I took leave of my wife and all at home—and took my seat in the cars at the depot of the Providence Railway. We started at half past four and at the ferry I came across [Josiah] Quincy, and we joined company.[2] Our trip was rapid to the steamer *Massachusetts* at Stonington, which I found most comfortable. After tea, I went into my berth in a stateroom and felt as easy and tranquil as if I had been on shore, in spite of all the uneasiness which I had experienced from my last trip on the Sound. This is my wife's birthday.

Friday, April 26. Cloudy with showers. New York. Cars to Philadelphia.

When I awoke, I found the boat was rapidly passing Brookline [*sic*] and rounding into its berth at the Battery. We had arrived at the Astor House before the clock struck six. I was taken up into the very uppermost story of that high building there to dress myself, and I had the advantage of witnessing in the distance an extensive conflagration which appeared to create little disturbance in the region directly below me. At breakfast I met a good many acquaintances, all of whom are travelling to the great political convention at Baltimore.[1] The enthusiasm is very great. I take great interest in the nomination for the Vice Presidency and sound the opinions of the delegates whenever I find them.

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[1] Adams meant to write "last time," for he is referring to the disputed election of 1876, when he himself stood as Democratic candidate for governor of Massachusetts. He admitted that he had been defeated that year by Governor Alexander Hamilton Rice (1818–1895), but he always refused to believe that the electoral commission's decision of 1877 was just.

[2] Josiah Quincy, Jr. (1802–1882), son of Josiah Quincy, president of Harvard (1829–1845), senator in Congress from Massachusetts (1842–1844), and mayor of Boston (1845–1849). The elder Quincy (1772–1864) holds the record for Resident Membership in the Society—sixty-seven years, eleven months, and five days.

Having two or three trifling commissions to perform, I got Quincy to agree to start at twelve o'clock, so that besides doing them I had an opportunity to write a short note to my wife giving her an account of our proceedings thus far. We then started for the steamer to Amboy. Met on board Dr. Francis Parkman, Mr. Loury and Mr. Burnap, all three clergymen who had been to the dedication of the new church at Brookline [*sic*], and were now going on to Baltimore, where the last-named gentleman lives.[2] Also Mr. Stout of Canandaigua and Mr. Green of Niles in Michigan, both of them delegates to the convention at Baltimore. Much conversation with them on the subject of the Vice Presidency. Both of them decided against Evans, and balancing between Davis and Fillmore.[3] We had a heavy thunder shower whilst crossing New Jersey in the cars. The country looks beautifully [*sic*]. At least three weeks in advance of us. We arrived at Jones's Hotel at eight o'clock. Met there Mr. Abbott Lawrence and Nathan Appleton, the former very sanguine of carrying Davis.[4] I very much doubt. To bed early.

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[1] In 1844, both the Whigs and the Democrats held their national conventions in Baltimore. For the Whigs the whole business of the convention was completed in a single sitting, on May 1, 1844. Henry Clay was nominated unanimously by resolution, and on the fourth ballot for Vice-President, Theodore Frelinghuysen prevailed over Millard Fillmore, of New York, and John Davis, of Massachusetts. The Democrats turned down Van Buren and nominated James Knox Polk on the ninth ballot. On the third day of the convention they nominated George Mifflin Dallas, of Pennsylvania, after Silas Wright had refused to accept the nomination. The Democrats won by a nose on the decisive issue of the annexation of Texas. The real victor was Andrew Jackson.

[2] The Reverend Francis Parkman (1788–1852) was pastor of the New North Church, in Boston. Like banker Mendelssohn, son of the philosopher and father of the musician, both of whom he supported, Parkman was known as the son of his father, and the father of his son. Samuel Parkman, his father, left a handsome fortune to the clergyman, whose son, Francis Parkman, II (1823–1893), was the greatest of American historians.

Mr. "Lowry" is probably the Reverend Walter Lowrie (1774–1868), a Presbyterian clergyman.

The Reverend George Washington Burnap (1802–1859), Unitarian minister, succeeded Jared Sparks in the pulpit of the First Independent Church of Baltimore.

[3] George Evans (1797–1867) was Whig United States senator from Maine (1841–1847).

John Davis (1787–1854) was governor of Massachusetts (1834–1835 and 1841–1843).

Millard Fillmore (1800–1874), thirteenth President of the United States, by accident, signed the Fugitive Slave Law, and declined a D.C.L. from Oxford in 1855 on the ground that he possessed no literary or scientific distinction to justify his accepting it.

[4] For Abbott Lawrence (1792–1855) and Nathan Appleton (1779–1861), respectable citizens who became rich by accident, see the *Dictionary of American Biography*. The

Saturday, April 27. Cold and rain. Cars from Philadelphia to Baltimore. Washington. Family.

I was roused early for the purpose of starting in the morning train to Baltimore. Quincy, who had not the same object, remained behind. The day was very raw and cold with an east wind that would be felt even in Boston. The cars quite crowded. Among others Mr. Lawrence of Boston and J. Harris. Also Ambrose Spencer of New York with some of his family.[1] He expects to be made president of the convention. We reached Baltimore at three o'clock in a heavy rain, and I waited until four, when the train to Washington was going. Invited by a gentleman who called himself Lurman to go and stay with him. This affair is a prodigious tax upon the hospitality of the city. Declined, of course, with many thanks. In the train going to Washington, I met with two delegates from Ohio, who were introduced to me. I found them both for Davis. Reached my father's house at about seven, and found the family all well, and expecting me, though not tonight. Passed the evening in conversation.

Sunday, April 28. Clear and pleasant. Divine service. Capitol. Unitarian Church. Evening, Mr. Connell.

The day was fine though windy. After breakfast, I accompanied my father to the House of Representatives to attend divine services as there performed. I was somewhat surprised to find the number in attendance quite small. And among them, I saw a good many Boston faces. The sermon was by a Dr. McLean, a person I should infer to be an agent for the Bible Society. He preached from 17 Acts 25, "Seeing that God giveth to all life, and breath, and all things; And hath made of one blood all nations of men for to dwell on all the face of the earth." His sermon was upon the duty of brotherly love, and was not in any way remarkable.

Reverend Dr. Parkman, who sat next to me, was asked to dine with my father, which he did. We afterwards attended the service at which he officiated in the Unitarian Church. I had never been there before. It is but poorly frequented. The faith is not vehement enough for the people generally. I endeavoured to listen to Dr. Parkman with, however, but partial success. I lost the text. Afterwards I read a sermon of Tillotson, 9 "Ecclesiastes" 11, "I returned, and

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blood and the money of these two remarkable men are still in the veins and pockets of many of the eminent residents of Greater Boston. For the foundation of the fortunes of Boston, see the always wicked and often witty pamphlet which Abner Forbes published: *"Our First Men": A Calendar of Wealth, Fashion and Gentility; Containing a List of Those Persons Taxed in the City of Boston, Credibly Reported to be Worth One Hundred Thousand Dollars, with Biographical Notices of the Principal Persons* (Revised edition, Boston, 1846).

[1] Ambrose Spencer (1765–1848), former Federalist, announced his conversion to the Republican Party in 1798. From 1800 to 1820, Spencer was the almost undisputed dictator of politics in New York—first, as the ally of DeWitt Clinton, two of whose sisters he married. Spencer's son, John Canfield Spencer, became Secretary of War in President Tyler's Cabinet. For a delightful sketch of this notable man, see the article by Julian P. Boyd in the *Dictionary of American Biography*.

saw under the sun, that the race is not to the swift, nor the battle to the strong, nor yet bread to the wise, nor yet riches to men of understanding, nor yet favour to men of skill; but time and chance happeneth to them all." A sensible and rational discourse upon the failure occasionally of second causes. I was also occupied in writing to my wife. In the evening, Mr. John Connell came in and passed some time. He leans much to Mr. Clayton for Vice President. That would be indeed a completely southern ticket. No chance for Evans.[1]

Monday, April 29. Pleasant day. Morning, House of Representatives. Afternoon at Mrs. Frye's.[2] Evening at home.

The weather is warm here but extremely pleasant. I think the vegetation advanced three or four weeks of us. Having received favorable accounts from home on the condition of the family I am more at my ease. This morning I accompanied my father to the Capitol and went upon the floor of the House of Representatives. I was introduced to a considerable number of the members, and met with many others whom I already knew. There was more order in the body than when I was here before, but I was very much struck with the common look of the members. I saw very few who bore on their faces any mark of superiority to the mass of mankind. The great topic was the tariff, and Mr. J. B. Weller from Ohio made upon it what appeared to me to be a very ordinary political harangue.[3] There seemed so little prospect of any thing better that I left the House and paid a visit to Mrs. Grinnell and to Greenough's Statue after which I walked home.[4]

Much conversation with my mother. I accompanied her in the carriage in the afternoon to see my aunts, Mrs. Frye and Mrs. Smith.[5] I found them quite well and very comfortable. Mr. Frye quite full of the Texas matter and of the late orders of President Tyler to control the forces of the United States in preparation for a war with Mexico. It so happens that Robert Buchanan is of the regiment ordered to Fort Jessup.[1] Mr. Frye is, however, an office-holder, and should be cautious. Evening at home. There were visits of curiosity to see my father from many—among the rest from the two Ohio delegates whom I met on Saturday, introduced by Mr. Schenck, a young looking representative from Ohio.[2]

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[1] John Tillotson (1630–1694), Archbishop of Canterbury. Adams had a singular affection for the sermons of Tillotson, perhaps the only Primate who took first rank in his day as a preacher.

John Middleton Clayton (1796–1856), of Delaware, became Secretary of State in the Cabinet of President Taylor, when he negotiated the Clayton-Bulwer Treaty with Great Britain.

[2] Mrs. Nathanael Frye was Carolina Marylanda Virginia Johnson, daughter of Joshua Johnson. Her sister, Louisa Catherine Johnson, was the wife of President John Quincy Adams. Mrs. Frye's first husband was Andrew Buchanan.

[3] John B. Weller (1812–1875), Democratic representative from Ohio, and later senator of the United States from California.

[4] Sarah (Russell) Grinnell, who died in 1862, was the first wife of Joseph Grinnell (1788–1885), representative from Massachusetts (1843–1851).

Horatio Greenough (1805–1852) made a statue of George Washington for the Capitol, which was finished in 1843.

[5] Mrs. Smith was probably Ann Ross, who married James Smith, the younger brother of Colonel William Stephens Smith (1755–1816), who married Abigail Adams (1765–1813), the aunt of Charles Francis Adams.

Tuesday, April 30. Fine day. Visit Mr. Clay. Mrs. Madison. Josiah Quincy, Jr. Dinner at Mr. Winthrop's.

The weather continues pleasant. I accompanied my father in a visit to Mr. Clay, who is here for a few days staying at Mr. Bradley's.[3] We found him with several gentlemen, of whom I knew only Mr. Andrew Stewart.[4] He looks thin and exhausted—but still continues the same egotistical gentleman whom I knew nearly twenty years ago. His present position is by far the strongest which he ever occupied in his lifetime. It remains to be seen whether it will secure him the great object of his ambition. The elements seem to be now all working in his favour. Even the Texas matter, which has been raised by Tyler and Mr. Calhoun for the purpose of prostrating him, has thus far done injury only to Mr. Van Buren.[5] After a short visit we went to the capitol, from whence I walked home to write a letter to my wife.

Visit from Josiah Quincy, Jr., who came to make arrangements final for our western tour. He urges immediate departure in order to go before the crowd returning from the convention. This cuts off somewhat of the visit I had proposed to make to my parents, which I regret, but it is a reasonable proposal. So we agreed upon meeting at the relay house on Thursday morning, and we cut the convention of ratification, by no means against my wishes. We went to see

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[1] Robert Christie Buchanan (1811–1878), son of Carolina Marylanda Virginia Johnson by her first husband, Andrew Buchanan. See the *Dictionary of American Biography.*

[2] Robert Cumming Schenck (1809–1890), Whig representative in Congress from Ohio (1843–1851), political general during the first part of the Civil War; Grant's Minister to the Court of St. James's from 1870 to 1876.

[3] William A. Bradley (1794–1867) was a person of considerable importance in Washington at this time. He served as mayor of the city, and held the position of postmaster from 1849 to 1853, when President Pierce replaced him with a Democrat. Bradley was a heavy mail-contractor, and had charge of nearly all the routes south of Washington. At his houses, first in Maryland Avenue, and then at 270 Pennsylvania Avenue, Bradley entertained extensively for all the prominent men of his day. At the time of his death, August 28, 1867, he lived in a house on New York Avenue. *Records of the Columbia Historical Society, Washington, D.C.*, XXV (1923), 133–139.

[4] Andrew Stewart (1791–1872), Whig representative from Pennsylvania (1831–1835 and 1843–1849), unsuccessful candidate for nomination for Vice President in 1848.

[5] Martin Van Buren lost his chance for a third nomination at Baltimore in 1844 because of the adoption of the two-thirds rule on the second day of the convention, by a vote of 148 to 118. Seeing that the annexation of Texas would mean war with Mexico, Clay and Van Buren put their heads together and published letters opposing annexation. Van Buren's letter, which cost him the nomination, was dated April 20, 1844, and published a week later. The Democratic Convention met on May 27, 1844, by which time Andrew Jackson had discarded Van Buren for Polk—for Jackson had decided to take Texas.

Mrs. Madison but she was not at home.[1] I then walked up to the capitol for the purpose of dining by invitation with R. C. Winthrop at his mess.[2] The House sat late and dinner was delayed until nearly six. There were at the mess Mr. and Mrs. Grinnell, Mr. Dayton and Mr. Miller, senators of New Jersey, Mr. and Mrs. Henry Cabot, Mr. Amory and J. L. Motley, the last all transiently from Boston. My good friend I. C. Bates kept himself out of the way, whether absent from the city or not I could not learn.[3] Conversation principally political—much interest manifested for Mr. Davis, whose prospect seems to be the best. Home at eight.

Wednesday, May 1. Fine day. Walk, and ride in the carriage. Evening, Mr. Connell.

The weather is sultry. I remained at home most of the morning for the purpose of finishing a letter addressed to my wife, which my father's absence at a dinner last evening prevented my sending. Then a short walk and a ride with my mother, making one or two calls and going with her to see the statue by Greenough and the pictures—Weir's picture struck me more favorably as a piece of painting, although my objections to the spirit of the scene remain unshaken. Chapman's picture of the baptism of Pocahontas is a miserable thing—at the same time weak and gaudy.[4] Being about to leave this place much sooner than I expected, I remained with my mother most of the day. There was little to draw one out.

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[1] Dorothea (Payne) Madison (Dolly Madison) (1768–1849) moved from Montpellier to Washington soon after the death of President Madison, to live with her niece, Anna Payne, whom she adopted, President Madison having had no issue.

[2] Robert Charles Winthrop (1809–1894), Whig representative from Massachusetts, and Speaker of the House (1847–1849), President of the Massachusetts Historical Society (1855–1885).

[3] William Lewis Dayton (1807–1864), Whig senator from New Jersey (1842–1851), candidate for Vice President on the ticket with John C. Fremont (1856), Minister to France (1861–1864).

Jacob Welsh Miller (1800–1862), Whig senator from New Jersey (1841–1853).

Probably Henry Cabot (1783–1864), and his wife, the former Anna C. Lodge, of Boston.

Mr. Amory was probably one of the following, described in Forbes, *"Our First Men,"* page 10: *Charles Amory*, "The Amorys are a numerous and respectable family in Boston and the vicinity, and many of them are wealthy. The above is a son of the late Thomas C. Amory. He greatly increased his inheritance by marriage with a daughter of the late Gardiner Greene." *William Amory*, "Brother of the foregoing. Married a daughter of David Sears. The president of the Firemen's Insurance Company is another brother." *James Amory*, "Cousin of the foregoing; son of Jonathan Amory . . . married another daughter of the late Gardiner Greene, and hence the principal part of his wealth."

John Lothrop Motley (1814–1877), historian and diplomat, author of *The Rise of the Dutch Republic* (1856), recalled by President Johnson from Vienna in 1867, and by President Grant from the Court of St. James's in 1870 as a consequence of a feud between the President and Sumner over Santo Domingo.

Isaac Chapman Bates (1779–1845), Whig senator from Massachusetts (1841–1845).

[4] Robert Walter Weir (1803–1889), painter and teacher of painting. Between 1836 and 1840, Weir painted for the rotunda of the Capitol in Washington "The Embarkation of the Pilgrims," for which he received the handsome sum of $10,000.

John Gadsby Chapman (1808–1889) had recently completed "The Baptism of Pocahontas," one of the eight large paintings in the rotunda.

Congress was in a torpid state, as most of the Whigs were gone to Baltimore—and the Democratic party is torn into a million fragments by its dissensions about Texas, and by the intrigues of Tyler. In the evening which we passed at home, Mr. Connell came in and told us of the nomination of Mr. Clay at Baltimore, and of Mr. Frelinghuysen. This is a surprise upon all. The selection is a very good one in itself, but I am afraid the motives of the selection will not bear examination. The same overruling guidance of the slave-holding interest which carries every thing before it.[1] This has defeated both Davis and Fillmore. I remained up sometime conversing with my parents and feeling much more of regret at the idea of leaving them than I chose to express.

Thursday, May 2. Clouds with rain. Cars to Cumberland. Stage across the Allegheny mountains.

My father called me early but I was already awake and after a hurried breakfast I started in a hackney coach for the depot. We took in two of the Mexican Legation bound to Baltimore, and at six were off. Isaac Hull Adams came down to see me off, but I gave my father the slip.[2] The train was not so crowded as I had expected, considering all things, and I had a very comfortable time to the relay house where the road turns to go to Cumberland, at which place I had agreed to meet Quincy. I was there first, but he joined me in half an hour and we immediately started upon our great expedition. The morning had been windy, and settled gradually into clouds with occasional showers of rain. We dined at Harpers Ferry and took a hasty glance at the scenery along the course of the River Potomac—which Mr. Jefferson has lauded so much beyond its worth.[3]

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[1] One of the four Frelinghuysens to serve New Jersey in national affairs during the nineteenth century and the first quarter of the twentieth, Theodore Frelinghuysen (1787–1862), was senator in Congress (1829–1835), mayor of Newark (1837–1838), chancellor of New York University (1839–1850). The critical comment of Adams is strange, for Frelinghuysen was not only a great lawyer, but a friend of Free Soil and what is called Temperance, to both of which causes he gave freely of his time and his money. To describe him as a tool of the slave-holding interest was absurd, and suggests the spirit of suspicion of the South which haunted some of the best brains in the North. The defeat of the Whig ticket in 1844 was a surprise and a bitter disappointment to Frelinghuysen—all the more so because the votes of the Abolitionists for Birney in New York gave that state, and the Presidency with it, to James Knox Polk.

[2] Isaac Hull Adams (1813–1900) was the son of John Adams and Anna Dyer, and the grandson of Elihu Adams and Thankful White. Elihu Adams was the brother of President John Adams. Never having married, Isaac Hull Adams lived to be eighty-seven.

[3] Jefferson's description of the "Patowmac" River in his *Notes on the State of Virginia* (Boston, 1801), which aroused the resentment of this Yankee, reads as follows:
The passage of the Patowmac through the Blue ridge is perhaps one of the most stupendous scenes in nature. You stand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain an hundred miles to seek a vent. On your left approaches the Patowmac, in quest of a passage also. In the moment of

We went on with little worthy of remark until we reached the terminus of the railroad at Cumberland, which was at about six o'clock—The weather had cleared and promised us a fair night. We here took stages. Nine of us were crowded together and we began forthwith the ascent of the Allegheny ridge on what is called the great National Road. This journey is usually performed night and day. We went on very quietly in company with the other stages, there being many passengers as anxious to be in advance of the crowd as we, until about midnight—when we being on one of the highest ranges and it having again set in to rain, we were notified that we must get out and assist the passengers in a stage before us which had lost a wheel and been upset.

Friday, May 3. Clear. Travelling all day. Union Town. Washington. Brownsville.

This process was cheerless enough, but we got out and found the stage really overturned, but on a level place. The passengers were extricated and only one of them found to be injured. His hand had been severely jammed. He was placed in my seat and I took one out of the rain in the coach body which had been set up again on its two hind wheels. The driver had gone back to the last stage-house and presently came with another coach; so after an hour's delay we all resumed our places and went on. Our ride was over a succession of mountains until we reached Uniontown, which was at about eleven o'clock in the morning. Although the road is very fine I do not consider this trip as by any means free from danger. There is often a precipice on one side of the road, which an accident like that which happened this day would make fatal—and the descents are many of them long and steep. There is much bold and beautiful scenery—I noticed that the vegetation on the high land was much in the

their junction they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion, that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place particularly they have been dammed up by the Blue ridge of mountains, and have formed an ocean which filled the whole valley; that continuing to rise they have at length broken over at this spot, and have torn the mountain down from its summit to its base. The piles of rock on each hand, but particularly on the Shenandoah, the evident marks of their disrupture and avulsion form their beds by the most powerful agents of nature, corroborate the impression. But the distant finishing which nature has given to the picture, is of a very different character. It is a true contrast to the foreground. It is as placid and delightful, as that is wild and tremendous. For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country, inviting you as it were, from the riot and tumult roaring around to pass through the breach and participate of the calm below. Here the eye ultimately composes itself; and that way too the road happens actually to lead. You cross the Patowmac above the junction, pass along its side through the base of the mountain for three miles, its terrible precipices hanging in fragments over you, and within about 20 miles reach Fredericktown, and the fine country round that. This scene is worth a voyage across the Atlantic. Yet here, as in the neighborhood of the Natural Bridge, are people who have passed their lives within half a dozen miles, and have never been to survey these monuments of a war between rivers and mountains, which must have shaken the earth itself to its centre (27–28).

state in which we left it at home. On the west side, however, it seemed in advance of the east side of the ridge.

Our fellow-passengers were a drover from Chilicothe [*sic*] in Ohio, returning from the convention to which he had been sent as a delegate; a mechanic from Cincinnati, who had just been to New England and was returning with a young female relation—an old man from Fredericktown with two married daughters about to visit another in Ohio—and one person whom I could not make out. In this manner we saw something of the West in advance. The country is fine and beautifully cultivated in the western counties of Pennsylvania—and Brownsville and Washington appear thriving towns. We stopped, however, only to take some very indifferent meals. The night was dark with a thunder-shower, but we continued to travel until two o'clock on.

Saturday, May 4. Wheeling. Steamer *Aliquippa* for Cincinnati. Company.

When we found ourselves in the town of Wheeling in Virginia, such was my fatigue that I was glad to get to bed without much enquiring into the character of the accommodations. I slept well and did not wake until the call to breakfast. Wheeling is well situated on the Ohio, and has some business in iron, but it looks poor and is, in fact, declining between the pressure of Pittsburgh on one side and Cincinnati on the other. It is suffering under the paralysis of slavery and has the marks of an indolent and dirty population. The hotel at which we stopped would have given us a very unfavorable idea of the West had it not been already denounced by our friend of Cincinnati.

After breakfast we engaged a passage in the only eligible steamer at the landing, the *Aliquippa,* which started at about nine o'clock. The Ohio is here a narrow and small stream—Owing to the spring rains it is now quite full and therefore extremely convenient for our navigation. It is a quiet and pretty stream, although the muddy colour of the water is rather opposed to my northern prejudices. We went along steadily and quietly. I soon accustomed myself to the puffing sound of the high pressure engine, and reasoned upon my old fancies of its danger, after which I had time to look round a little upon the general aspect of our fellow passengers. The first impression I received was that they all had a very common and vulgar look.

I then began to pay some attention to the development of their various peculiarities. We had two hot politicians sparring it most fiercely about Mr. Clay—one of them a Mississippi man returning from the Baltimore Convention in ecstasies with the nominations and resolved to devote himself to the business of a political missionary this year. He therefore made himself very active in canvassing us all. On the other hand there was a young man from Nashville quite excited on the other side. These kept disputing all the way, sometimes very warmly, but the Mississippi man kept his good humor and there was no quarrel. We had also some of our Yankee productions, clock pedlars on an expedition to the western country with horses and dogs. Then there were women in the cabin singing Methodist hymns in the evening—All this was curious as illustrating life in this region, but it was not so wild as I expected to find it.

Sunday, May 5. Foggy and clear. Steamer *Aliquippa*.

We laid to a good part of the night on account of the fog, which cleared away soon after sunrise. Our course was steady down the river, stopping here and there at the towns on the river. The principal ones are Marietta, Portsmouth in Ohio, Parkersburg in Virginia, and Maysville in Kentucky. They none of them look flourishing. Indeed I am surprised at the appearance of the settlements along the river, considering that this is comparatively an old country in the West. Many of the houses look dilapidated or deserted, and there are fewer of them than I expected to see. The landscape is, however, very pretty. Now and then high lands to break the monotony of the bottoms or alluvial territory on the banks.

Our passengers continued their various fancies, as yesterday. And I was more and more struck with their manners at table and their general roughness and inattention to minutiae of comfort or cleanliness. Retired early. I must not omit to record that in the absence of divine service on this day I nevertheless succeeded in reading one of the sermons of Bishop Tillotson upon the way to prevent the ruin of a sinful people. 6 "Jeremiah" 8. "Be thou instructed, O Jerusalem, lest my soul depart from thee; lest I make thee desolate, a land not inhabited." The preacher teaches the patience of God to a sinful people—then he shows that humiliation and repentance will avail much with him to atone for past misconduct—and lastly the punishment inflicted for pertinacity in crime, illustrated in the history of the destruction of Jerusalem, through internal factions, which lends by a natural course to the exhortation to union among the parties in England after the Revolution.

Monday, May 6. Fair but windy. Cincinnati. Mr. Fessenden, Judge Walker—Ride—Evening, Mr. Longworth.

We were roused at daybreak this morning by the firing of cannon so near us at Cincinnati that the wadding came rushing through the glass door close to our state room, and spreading dismay among the women. Thereupon we dressed and went up into the town, which had been thus unduly excited by the news of the nominations at Baltimore. I immediately sought and obtained a bath before breakfast. This meal done I sallied out and the first person I met with was B. B. Fessenden, once a classmate, and now settled for a long period of time at this place. He was very kind in showing us the place. He introduced us also to Judge Walker, formerly of New England, and to other gentlemen.[1]

The review of the city and a letter to my wife consumed the morning. The afternoon was spent in a ride around the environs in company with the two

[1] Nothing has been found as to B. B. Fessenden, Class of 1825, who was not graduated from Harvard.

Judge Timothy Walker (1802–1856), first scholar of the Class of 1826 at Harvard, was born in Wilmington, Massachusetts; he went to Harvard Law School, where he studied under Joseph Story and his colleagues. In August, 1830, he removed to Cincinnati, where he organized a private law school which in 1896 became a part of the University of Cincinnati.

persons named. Cincinnati is the largest town in the western country, and bids fair to be one of the most important central points of the United States. It is well built and shows the first signs of civilisation and refinement which I have seen on the west side of the Alleghenies. The vicinity, too, bears marks of luxury and wealth. Much has been done for the place of late years by the introduction of many of our people who have assimulated themselves with the West, and who have brought their industry and their enterprise into the common stock.

The evening was spent by invitation at Mr. Longworth's.[1] He is the Crœsus of the place. Every American town or city has one. His daughter married Mr. Anderson, a friend of Quincy's at College, and hence our invitation.[2] We found Mr. Longworth, his wife, Mrs. Anderson and an unmarried daughter—also Mr. and Mrs. Rufus King and a certain Major and Miss Carneal.[3] We had tea, which was served in the greatest profusion, and some of Mr. Longworth's domestic wine afterwards. The house, conversation and everything gave me a higher idea of the pursuits of Western people than I had had before.

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[1] Nicholas Longworth (1782–1863), was born in Newark, New Jersey, of a Loyalist family whose property was stolen by the rebels during the American Revolution. His uncle was David Longworth, the publisher of the early directories of New York City. His great-grandson was Nicholas Longworth (1896–1931), Speaker of the House of Representatives (1925–1931), who married Alice Lee Roosevelt, daughter of President Theodore Roosevelt.

In 1803, the first Nicholas Longworth removed to Cincinnati and married, in 1807, Susan (Howell) Connor, a widow, by whom he had four children. Taking his fees in land, Longworth acquired a great fortune as Cincinnati grew into a city. Lawyer, millionaire, and patron of the arts, Longworth was one of the ablest horticulturists America has produced. After many failures, he succeeded in making the growing of grapes a commercial success in North America. In 1842 he waged the "strawberry war" against the foremost horticulturists of his time, and emerged triumphant. Longworth gave to Cincinnati the site of its first observatory, which John Quincy Adams travelled a thousand miles to dedicate in October and November, 1843. *Memoirs of John Quincy Adams* (Philadelphia, 1874–1877), XI. 417-420. The observatory has been moved elsewhere, but the site is still called Mount Adams, the peak of which is now occupied by a monastery.

[2] Larz Anderson (1803–1878), was graduated from Harvard, second in his class, in 1822. In 1837, he married, as his second wife, Miss Catherine Longworth, and became the father of Nicholas Longworth Anderson, the most popular member of his family in his native city. Eliza, the eldest daughter, married William J. Flagg; Mary, the youngest, married John Stettinius. For the rise and the decline of the Andersons, see Isabel Anderson, *Larz Anderson: Letters and Journals of a Diplomat*, with a foreword by Charles Francis Adams (New York, 1940), especially pages 14–17. The Robert Anderson (1805–1871) who surrendered Fort Sumter was a brother of this Larz.

[3] Rufus King was one of the legal lights of Cincinnati during the middle of the nineteenth century. He was the grandson of Rufus King (1755–1827).

Thomas D. Carneal was a merchant-capitalist who was born in Kentucky. He was the restless, whimsical builder of some seventeen or eighteen manors on both sides of the Ohio River, in each of which he lived briefly. His daughter, Sally Carneal, was considered one of the two most beautiful girls in Cincinnati. Major and Miss Carneal were probably a son and daughter of the great merchant.

Tuesday, May 7. Warm. Departure from Cincinnati. *Ben Franklin* to Louisville —Arrival.

I went to the post office to look after letters, and much to my disappointment found none. My intention had been to stay until we got some, but on opening the morning's paper I saw a notice of our arrival and in another column a call for a political meeting for Friday. These two items did not, it is true, appear to have any connexion, but I immediately apprehended an invitation, and Quincy agreed with me. Our conjecture turned out to be just, for Mr. C. Bradbury told us that he had seen the notice before publication and had prevailed upon the editor to erase a passage suggesting that we should be detained to make speeches.

At ten o'clock we were on board the *Ben Franklin* and left Cincinnati with some regret. As we go down the river, it assumes an appearance of more cultivation than it had farther up—And the towns on the northern bank look more thrifty. Yet there is abundance to do. The whole country is in its infancy as yet. One of the most striking at the same time unpleasant [facts] is the total silence of the river. Not a sail of any kind nor a boat. Nothing but the murmuring and puffing steam machine as it goes by. Nature has done every thing, man has done next to nothing. We reached Louisville 150 miles at half-past eight o'clock, and took lodgings at the Galt House.

Wednesday, May 8. Warm. Louisville. Dr. Flint. Visits. Afternoon ride to Canal.

The day was sultry with drops of rain. After breakfast and completing a letter to my Wife, Mr. Quincy brought in an acquaintance of his, Dr. Flint, who accompanied us around the town. It is laid out in large lots more according to the Southern style than Cincinnati, and therefore looks more rambling. The houses are generally of a poorer class, and there is an appearance of want of thrift. The doctor showed to us the court house, an unfinished extravagance of the year 1836, and he took us to visit two or three ladies. At the door of his sister-in-law Mrs. Ford, her carriage was standing.[1] After a short call the doctor very deliberately begged the loan of it and we went out to see Mrs. Duncan's place, a mile or two out. Mrs. Duncan herself was as remarkable as her place. She is from New Haven, and although in affluence she pines for her native air. The houses were very handsomely fitted up, and showed much luxury. But the place does not appear to thrive. The residents very unwillingly open their eyes to the true cause, their slaves. But yet they do universally so far as I can judge. This is quite a surprise to me, who had imagined that these opinions were rooted out of the slave-holding region.

We got back to the Galt House to dinner. And here Quincy and I were led to notice one fact, of which the English travellers often take notice. The dinner of a hundred persons was all over in sixteen minutes. We were the last to leave the table. In the afternoon, a gentleman by the name of Hulme (I think) called with Dr. Flint and took us in his carriage to see the Portland Canal, built for the purpose of taking steamers round the falls in the river which in a low stage of the water completely obstruct the navigation. This originally an undertaking of great risk by a private company, which only succeeded by obtaining the aid of the national government, has become a profitable concern and by consequence an odious monopoly. It is too small for the enlarged business of the river, and charges a rather onerous toll. Perhaps it has injured Louisville by dispensing with the necessity of a trans-shipment of goods, but it is to the people of Cincinnati of the greatest use. It is about two miles long and cut through stone with three locks at the lower end. At high water boats can go down over the fall without hazard but they usually go up through the canal. After examining it and seeing a steamer pass down we returned to Louisville in the full expectation of going in the *Annawan* steamer, which had been announced as about to start at five o'clock. But we discovered on our reaching the boat that there was no prospect of going tonight—so we went back to the hotel. Dr. Flint and Mr. Anderson came to see us in the evening—I was somewhat fatigued and not sorry to bid them good night and go to bed.

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[1] Austin Flint (1812–1886) was graduated from Harvard College in 1825, and from the Medical School in 1833. In 1844, Flint was teaching medicine in Chicago, but in 1852 he settled in Louisville at the home of his sister-in-law, who was the wife of John Baptiste Ford (1811–1903), inventor, steamboat captain, and glass manufacturer, who was then operating a factory at New Albany, Indiana, just across the Ohio River from Louisville. Ford was one of the founders of the Pittsburgh Plate Glass Company.

Thursday, May 9. Louisville. Steamer *Annawan* for Saint Louis.

After a good night at this, the best house we have met with in the western country, and breakfast, we made our way down to the steamer *Annawan*. She was recommended to us as the best and quickest at the landing—but it seems that delays are proverbial at this place. We were two hours detained by the doubt of the captain whether to venture over the falls or go in the canal. He could not get a pilot to venture it on this side; so we went over to the other. The *Frolic*, a steamer that started at the same moment went over but we were more heavily laden and the pilot on the other side refused to follow. So the captain very unwillingly came back to go through the canal. This is a slow process so that it was two o'clock before we started on our way.

We then had time and leisure to look round on our company. It was somewhat different from any we had seen before, as the accommodations were far worse. The scenery of the river varied but little. It grew wider but the highlands here, called bluffs, partook much of the character of those higher up. Our first incident was an alarm at the loss of a female passenger. The captain of the boat looked hard to see some object and then very calmly concluded that there was no use in stopping the boat. On enquiry it was found that no one was missed from the boat—and the woman who gave the alarm could testify only to seeing a bonnet. It was singular but there was a small black object in the distance which Quincy said he saw picked up by a boat which went from shore. The carelessness of life in these regions is one of the most striking characteristics. Had anybody been missed, the recovery would hardly have been more diligent. We went on without further incident and I retired early.

Friday, May 10. Heat. Ohio all day.

We have a state-room badly ventilated so that the air is intolerable more particularly under the increasing temperature of the atmosphere as we go south. I go on deck to get fresh air several times during the night. The habits of our passengers too are not neat, so as to create disgust. The Western people have a good deal to learn in these particulars. I think in this boat with many passengers I see not one with manners above the ordinary run, and many with coarse ones. Yet I see less intentional neglect of them or rudeness than I expected. I amused myself with reading several books which I purchased as I came down. The towns along the banks rather show the preponderance of industry over slavery, but yet the first idea is that this is even now but a wilderness and the future is open before it. What will that be? Who can predict it. Our captain belongs to St. Louis, and is an odd sort of indolent fish of French descent. His trip is but half made when he gets there since his destination is Weston, five hundred miles up the Missouri.

In the afternoon of this day, just as we rounded off from Smithfield at the mouth of the Cumberland, the *Salina* bound to New Orleans came up—and we had a race of about thirty miles. I had heard of these things on the Western waters. The passengers in both boats were deeply interested in it, and convinced me that in this as in many other things captains are not entirely to blame. Ours very luckily had some prudence and he gave way. These boats are not built for speed. They are designed to carry freight and their rate rarely exceeds ten or eleven miles an hour. When pressed they go more but not without great danger at every stopping place. I confess I was not without uneasiness from the time I got on board of this one—and yet the management of it so far as I could judge appeared prudent, with the exception of the race. The practice is to consume the steam before coming to a stopping place so as to have little to discharge and to fill up with water, so that it generates slowly at first.

Saturday, May 11. Heat. River Mississippi.

I was anxious if possible to catch a glance of the Mississippi at the point where the Ohio flows into it. To this end I arose and went on deck at about half past twelve. The night was clear starlight. As we passed the imaginary city of Cairo, perhaps the most delusive of all the great speculations of the year 1836, I could see it only by certain lights in two floating steamboat hulks which are moored close to it. And when we turned our course into the great river, I could see little beyond a flowing expanse of water the surface of which was calm. As I sat alone, many thoughts came into my mind of the past, of what I had been, of what I am, of the singularly small share of realization of the visions of early life, and of the grey looking aspect of the future. And through all this, I felt most deeply my own insufficiency for the duties to which I feel myself bound, and my inaptitude to execute even the scheme of utility which my mind has devised. In this emergency I addressed myself for aid to the Deity as I always do, and for a degree of hope which my own mind will not entirely supply. I then went back to my berth and slept until morning.

Our course all day was against the current of this great river and therefore comparatively slow. It gives one an idea of great power without any beauty. The low banks look the seat of rank vegetation and of debilitating disease. And the muddy water reminds one of snags and of dangers to human life rather than of any agreeable ideas. We overtook the *Frolic,* which had got the start of us at Louisville by going over the fall, and we stopped at several settlements on the Missouri side of the river, which did not look very prosperous. The great heat rather tried our patience in the narrow limits of this boat.

Yet we had some passengers who interested us. Among others, Mr. Edwards and Mr. Davis, two of the delegates from Illinois to the Baltimore Convention. The former is a brother to Ninian Edwards, whom I well knew by reputation in former years. We passed today, too, the town of Kaskaskia, where his son-in-law, D. P. Cook, once resided.[1] All these men have passed from the scenes of political life and left little trace of them in this generation. Among other things we passed a landing at which a short time since a collision had taken place between two steamers, the *Aliquippa,* which brought us to Cincinnati, and the *Weston.* This last had sunk in a few minutes and there was now an apparatus in motion to recover from the wreck whatever might be got through a diving-bell. Some bodies had been found—and there was an auction taking place on the river bank of the damaged goods. As we went on, the night grew cloudy and dark, and I thought much of collisions.

Sunday, May 12. Cooler. Arrival at St. Louis. Evening walk.

I was up much of the night watching the cautious movement of the boat in the darkness. The morning was clear but much cooler. We found ourselves about fifty miles below St. Louis and it took us until nine o'clock to get up to the city. I observed on this route the pelican, a bird I never saw before, and also one or two bald eagles. As we neared the city, the firemen set up a wild kind of song of rejoicing which was enlivening though not very musical. We found the levee crowded with steamers and got ashore only by climbing over some. The first thing at the Planters House was to dress clean after so long a confinement to a boat, and the next to write to my wife. I could not get myself ready in time for church and therefore missed it. I intended to have gone after dinner, but being much fatigued I lay down and overslept myself—so that I missed divine worship entirely. I however read a sermon of Tillotson from 24 Acts 16. "And herein do I exercise myself, to have always a conscience void of offence toward God, and toward men." A very thorough discourse upon the nature of conscience, a definition of its scope, and of the evasions often resorted to. Yes, who is there who does not in some shape or other violate the right and excuse it with a fallacy. The whole world is full of such.

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[1] Ninian Edwards (1775–1833), governor of Illinois and senator, was born in Maryland, removed to Kentucky in 1795, and was made governor of Illinois Territory by Madison in 1809. In 1826 he was elected governor of Illinois. Daniel Polk Cook (1794–1827) settled in Edwardsville, Illinois, in 1816, served in the House of Representatives (1819–1827), when he was directed by President Adams to proceed to Cuba and report on political conditions. See Ford, *History of Illinois,* 72–73. The son of Governor Ninian Edwards, Ninian Wirt Edwards (1809–1889), married, on February 16, 1832, Elizabeth P. Todd, elder sister of Mary Todd, the future wife of Abraham Lincoln, of whom he, nevertheless, became a close friend.

David Davis (1815–1886), cousin of Henry Winter Davis (1817–1865), was born in Maryland, graduated from Kenyon College, Ohio, in 1832, studied law in Massachusetts and Connecticut, and settled in Illinois in 1835. A delegate to the Republican Convention in Chicago in 1860, Davis was appointed an associate-justice of the Supreme Court by Abraham Lincoln in 1862. As such, he would have served as one of the five justices on the Electoral Commission of 1877, had he not suddenly accepted election by the Legislature of Illinois to the Senate of the United States. This act cost Tilden the Presidency, for, with Davis out of the way, Associate-Justice Joseph P. Bradley (1813–1892) took the seat Davis would have occupied, and, working through a mist of sophistry and prayer, cast the vote which, by eight to seven, gave every one of the four disputed states to Hayes, who entered the White House by a majority of one in the Electoral College.

In the evening, we went out for a walk—met accidentally a couple of gentlemen who recognised Mr. Quincy and who were civil enough to show us the principal streets. St. Louis is a very thriving place. It has the command of three rivers among the longest in the world, and washing a territory rich in everything that can make a country prosperous. I think it will ultimately dispute the palm with Cincinnati, unless there should happen what is now apprehended, that the Missouri should wash for itself a new channel in a direction at right angles with the Mississippi, where it comes into that river. The bank is rapidly giving way, and causes the citizens much uneasiness. I retired early, being much gratified at an opportunity of taking off my clothes.

Monday, May 13. Warm with showers. Morning visits. Ride. Afternoon Steamer *Amaranth.*

The day was very sultry with showers. After breakfast and finishing the letter which I wrote I went out to look at the rest of the town. The population was in 1840 about twenty-four thousand, but it is now very rapidly increasing. There is every appearance of extensive traffic—and nothing keeps the state down but the unfortunate admission into it of slavery in 1819. Mr. Quincy had a letter of introduction to Mrs. Ashley and she was polite enough to invite me to call upon her which I did. She seems a wealthy widow not beyond the hope of pleasing—with manners of the world but very civil.[1] Whilst we sat with her several ladies called and we had an opportunity of seeing something of the society of the place. We afterwards got into a carriage and rode around the town, visiting the tobacco warehouses and other places of great business. On the way home we called at the post office, and there I found the first letters which I have obtained since leaving Washington. The accounts are favourable so that I go on more cheerfully.

Dinner over, we decided upon taking the next steamer up the river. We accordingly went on board the *Amaranth*, by far the neatest vessel we have yet seen upon these waters. Although advertised to start at four we did not get away until six, so that it was dusk before we reached the mouth of the Missouri. I could have wished to have seen this earlier, but even as it was I was much impressed with the wide extent of water which it displayed. There is an idea of power pervading this region, of physical immensity which gives to the desert a great deal of interest. I watched the stream and even at the late hour noticed that as we ascended the muddy colour of the Missouri no longer gave its tinge to the Mississippi. Being somewhat fatigued I retired rather early.

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[1] William Henry Ashley (1778–1838), fur trader, explorer, and congressman, was born in Virginia. In 1820 he was elected lieutenant-governor of the newly formed state of Missouri. He was elected to the House in 1831, and served until 1837. Ashley built a magnificent residence in North St. Louis. In October, 1832, he married his third wife, Mrs. Elizabeth (Moss) Wilcox, who survived him.

Tuesday, May 14. Clear. Steamer *Amaranth*. Visit to Quincy.

The day was fine—the boat an excellent one, and the company very much better than we have yet had. Among others Captain Bell of the Army was very civil to us.[1] The river does not vary much in its character from what we have seen—As we ascend, we catch glimpses of open country, which is called prairie in this region. In other respects the scene is the same—the same low banks covered with wood, with now and then a rise which is called a bluff. In the course of the morning we stopped at Quincy on the Illinois side—and for the sake of the name, we went up to see it. It is a very pretty place inhabited mainly by New England people. There is an open square in the centre of the town, and from the top of the hotel which is kept by a man who formerly kept the Bromfield House in Boston, we observed a very rich and beautiful prairie country. This was the only town on the river during this day which struck me at all favorably.

As we went on it became very necessary that we should settle upon our course. Quincy wished to stop at Nauvoo, the city of the Mormons and see something of Joe Smith, the prophet. I was passive, as I have always been on this journey. But it became late before we got up and the passengers were full of discouraging tales of the disposition of these Mormons. Had it not been for a certain Doctor Goforth, a living skeleton of a man, I think Quincy would have been discouraged by the darkness and solitude which reigned on the shore. But he urged our landing so much that we finally ordered our things on shore.

Wednesday, May 15. Joe Smith. Visit the Temple.

It was about one o'clock when we got into the very indifferent room which the labours of our tall and thin doctor had procured for us in a house on the bank of the river. For at so late an hour we determined not to attempt to disturb the great prophet himself, although he was the keeper of the tavern. We threw ourselves on the outside of the bed allotted to Quincy and myself and slept until five o'clock, when the daylight roused us. Shortly afterwards the carriage of the prophet which had been sent for by the doctor was announced as ready to take us up. We rode up in company with the doctor and two other passengers who had stopped with us. There was also on the outside one of the leaders of the sect, who was called General White. The day was cloudy and it soon after set in to rain and rained in showers until night.

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[1] Probably Peter Hansborough Bell (1808 or 1810–1898), who was born in Virginia, served the Republic of Texas under President Sam Houston, and fought in the Mexican War. He was elected governor of Texas in 1849 and 1851. He served in the House from 1853 to 1857, when, having married Mrs. Ella Eaton Dickens, of North Carolina, he removed to that state. Although a Democrat, Bell opposed Secession, and refused a commission as colonel in the Confederate Army, proferred him by Jefferson Davis; but his fortune was swept away, just the same, in the Civil War, and he died still in love with Texas.

At the door of a two-story wooden house with a sign post before it, we stopped and were introduced to the celebrated Joe Smith.[1] A middle-aged man with a shrewd but rather ordinary expression of countenance, unshaved and in clothes neither very choice nor neat. The whole air of the man was that of frank but not coarse vulgarity. He received us civilly and forthwith introduced us into his house, trying one room after another without success as they all appeared to contain occupants. At last we were ushered into one where was a man in bed whom he very abruptly slapped on the shoulder and notified to quit. The awkwardness of this scene was relieved by a call to breakfast, which we all obeyed. The table was amply provided as usual in the Western Country, but without order or delicacy.

Upon our return from the meal we were introduced into another chamber which had been prepared in the interval, and here we sat down and held a long conference with the prophet upon himself, his doctrines and his projects. He then took us down into his mother's chamber and showed us four Egyptian mummies stripped and then undertook to explain the contents of a chart or manuscript which he said had been taken from the bosom of one of them. The cool impudence of this imposture amused me very much. "This," said he, "was written by the hand of Abraham and means so and so. If anyone denies it, let him prove the contrary. *I* say it." Of course, we were too polite to prove the negative, against a man fortified by revelation.

His mother looked on with attention and aided in the explanation whenever the prophet hesitated, from which I inferred that she was usually made the exponent of the writing to strangers. At the close, he notified us that for this instruction, his mother was in the habit of receiving a quarter of a dollar a piece from them, which sum we paid forthwith.[2] Then came another long conversation, in which a brother of his and some other persons joined, detailing the severe and shocking persecution which they suffered at the time of their cruel expulsion from Missouri four years ago. This is one of the most disgraceful chapters in the dark history of slavery in the United States, and shows that the spirit of intolerance, religious and political, can find a shelter even in the fairest professions of liberty.[3]

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[1] For Joseph Smith (1805–1844), see the excellent biographical sketch by Bernard DeVoto in the *Dictionary of American Biography*, XVII. 310–312, referred to above.

[2] The Prophet, Joseph Smith, was the fourth of ten children of Joseph Smith and Lucy Mack. A brother, Hiram, was shot to death with Joseph at Carthage, in 1844. A son of the prophet, Joseph Smith (1832–1914), became president of the Reorganized Church of Jesus Christ of Latter Day Saints.

[3] This opinion of Adams, reeking with the sentimentality of the fair-weather philosophy

We dined at one, and after dinner, at our request, we went up in his carriage to see the stone temple and the font which the prophet is causing to be built. It is a massive edifice on a most commanding site, about half finished. The architecture is original—and curious. It is built by the contribution of one-tenth of labor and goods. The prophet seems to have drawn his ideas largely from the Jewish system. One of the persons who accompanied us from the boat, proved a travelling Methodist preacher, and he by his turn for dispute elicited much amusement to us. This on our return to the tavern took the shape of a specie of address to a parcel of the sect who were hanging about the door, half jest, half earnest, which appears to be habitual with Joe. I was not so well able to judge of it as I had been called upstairs to meet a gentleman by the name of Johnson, who was in the employment of the government of the United States and had come here to catch a defaulter supposed to be in Joe Smith's territory.[1] He asked me for advice supposing me to be a lawyer—told me that he had thought it wisest to apply at once to Joe himself, being convinced that without his aid he should not succeed in his object—so well has Joe fenced himself in here from the ordinary course of law, by concessions made to him by the dominant party in the state in consequence of the control he exercises over the elections.[2]

There is a mixture of shrewdness and extravagant self-conceit, of knowledge and ignorance, of wisdom and folly in this whole system of this man that I am somewhat at a loss to find definitions for it. Yet it is undoubted that he has gained followers at home and abroad—and boasts of having twenty-five thousand at Nauvoo and two hundred thousand in the Union. This is an extravagant estimate, but the number must be large. His theological system is very nearly Christian Unitarianism—with the addition of the power of baptism by the priests of adults to remit sin, and of the new hierarchy of which Smith is the chief by divine appointment. After tea, as we expected the steamer to take us off in the night, we returned to the wretched quarters we left in the morning—and bade good bye to the prophet, who accompanied us to them in his carriage. On the whole I was glad I had been. Such a man is a study not for himself, but as serving to show what turns the human mind will sometimes take.

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of the eighteenth century, is strange, judging by a quotation from Bernard DeVoto's sketch: "A fugitive from justice as a result of 'wildcat' banking, Smith in 1838 fled to Missouri, where he had already established an outpost on what he declared to be the site of the Garden of Eden. Political and social friction with the Missourians drove the Mormons from Jackson County to less settled parts of the state, and eventually (1839) to Commerce, Illinois, which Smith renamed Nauvoo." What Adams calls a "cruel expulsion" was nothing more than good riddance of bad rubbish.

[1] Probably Edward Johnson (1816–1873), soldier and farmer, who was born in Virginia, and settled in Kentucky. He was graduated from West Point in 1833, and saw much frontier service in the Middle West (1842–1846).

[2] The skill with which the Mormons were able to bring the pressure of political blackmail on the Democrats of Illinois in order to enable them to beat the Whigs, led directly to the violent death of Joseph Smith and his brother Hiram, and the exodus of the Mormons to Utah.

And hereafter if I should live, I may compare the results of this delusion with the condition in which I saw it and its mountebank apostle.

Thursday, May 16. Steamer *Hibernian* from Nauvoo. Davenport.

Quincy did not tell me of his discovery of the cockroaches assembled on the coverlet of our bed, drawn out probably by the fire, which was lighted to warm us. So I slept in happy ignorance upon the outside, expecting the call of the steamer every moment. It was in fact five o'clock in the morning before the *Hibernian* came along. We hastened to get on board for the sake of dressing a little more comfortably—this being the first time such a change has ever been deemed by me an improvement. I had not been long on board before I had become an object of attention. This was probably owing to our Methodist friend, who kept along with us. At breakfast one of the waiters came and spoke to me by name, assigning as a reason my likeness to my father, whom he had seen at Washington. This is always a little uncomfortable to me—but I made the best of it and talked and laughed with the passengers, many of whom were rather pleasant.

Two young ladies of rather better appearance than ordinary served to amuse Quincy more than me. I read in the intervals a book by Mrs. Ellis upon the duty of mothers, which I thought very good.[1] The day was cold and rainy so that we had no great opportunity to see the country. There was not indeed much variety. We passed Burlington and Bloomington, two flourishing towns in the territory of Iowa, and we saw also a thin and sandy tract of country on the Illinois side which contrasted with the general character of the river banks. We had been much urged to stop at a place called Davenport, for the purpose of seeing the country. So at about eleven we reached it and were put out on the bank in the dark. We should have fared badly but for a friendly Irishman, who took our trunks and ourselves on his dray and thereby saved us a muddy tramp to the Le Clare House, where we roused the people and went to bed.

Friday, May 17. Davenport—ride. Morning, prairies. Afternoon, Rock Island.

The town of Davenport is at the foot of what are called the upper rapids of the Mississippi. Six or seven years ago Black Hawk and his tribe preferred the hazard of a war to a cession of these lands.[2] This, however, took place and the town is built upon a reservation made in favour of an Indian named Le Clare, who is now the proprietor of most of the lands. It is very prettily situated, but appears to possess no advantages to make it a place of any consequence. The town, which now contains about a thousand inhabitants, is declining. After breakfast and writing a letter to notify my wife of our position, we obtained a carriage and went out to see the country which had been so highly praised.

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[1] Sarah (Stickney) Ellis (1812–1872), a popular English authoress, one of whose books, *The Wives of England,* appeared in 1843.

[2] Black Hawk, or Ma-ke-tae-mish-kia-kiak, Sac Chief (1767–1838). The Black Hawk War (1831–1832) sprang out of the provisions of a treaty with the Sac and Fox Indians at Prairie du Chien, July 15, 1830, according to which the land of the tribes east of the Mississippi was ceded to the whites. Abraham Lincoln served in this war. Black Hawk was twice defeated, July 21 and August 2, 1832, by Generals Dodge and Atkinson.

The rains had made the country wet, but I could not help remarking the extraordinary natural beauty of the spot. Here are what they call rolling prairies interspersed with timber, and the river divided by Rock Island, with the town of Stevenson on the opposite side. We took a long ride and observed the region from various spots. It may become an agricultural Eden. The hand of nature has done every thing for it, and man is only wanted to give a polish to her doings. I much doubt, however, whether there ever will be much wealth here. An agricultural country is seldom very rich. And in America the richest land is such a drug that its products must always fall to a merely remunerating price for labour.

We came back to dinner, but in the afternoon went over to Rock Island and rode around it. This was until very lately a military post of the United States, but has been abandoned since the peace with Black Hawk. It is a sweet spot. The river runs so rapidly that I think it must be healthy. Thus we passed the day, and in the evening retired early in order to be better prepared for the early call we expected of a boat going up the river.

Saturday, May 18. Davenport. Warm day. E. Stewart. Sargent. Steamer *Ohio.*

We were called up in the night twice with the announcement that a steamer had arrived. Both times we went down to the river with our trunks, and both times found ourselves disappointed as the boats were going down instead of up the river. So that the morning found us at Davenport with a probability of remaining all day. This was not altogether agreeable, since however pleasant might be a stay of one day here, the place furnished no resources for a second. How we got through with it I can scarcely tell. We strolled along in the morning and tried fishing in the river, without success. The morning was sultry and I imagined many things respecting fever and ague and bilious fever and all the other accessories to the Western Country. The dinner was nevertheless very good. As a general rule, the table in the West is the best part of the tavern-keeping. There is a want of neatness about the houses which is repulsive.

This hotel has scarcely a soul in it and yet it is a large building, sufficient to accommodate a considerable number. It is owned by Le Clare, the half-breed, who is here called rich, which in this region means a large landed proprietor, however small the income of it may be. In the afternoon we had visits from Enos Stewart, who has dropped down here as a settler, has brought out a young wife from Boston, and seems to make himself of more use in the world than he ever did before. Also from one of the Sargents, brother of the New York editors of that name.[1] He gave us an account of his Western experience, which is I suppose summed up, plenty to eat, hard work and a dull life, without counting fevers.

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[1] Probably a brother of Epes Sargent (1813–1880), journalist, poet and dramatist, sixth in descent from William Sargent, of Gloucester, Massachusetts, and John Osborne Sargent (1811–1891). The father of these brothers had three wives and twelve children. From 1839 to 1847, Epes Sargent worked on the *New York Mirror* and the *New World.* From 1838 to 1840, John Osborne Sargent was associate editor of the *Courier and Enquirer* of New York City.

We had a new false alarm about a steamer in the afternoon, but were not finally taken off until night, when the *Ohio*, which we had been expecting, actually came along.

Sunday, May 19. Steamer *Ohio* to Galena.

The day was windy and rather cold. This boat is comfortable but very slow. We had not much more than made our way to the head of the rapids, fifteen miles, before daylight. It is a little remarkable, however, that all along on these rivers, I have felt little uneasiness as to our personal safety any where excepting while on board the *Annawan*. The idea of high pressure has entirely lost its force. But carelessness and want of judgment trouble me wherever I think I see them. The river presented much the same characteristics as heretofore. It is now in a very high stage so that most of the trees on the banks appear to stand in the water. The settlements on the bluffs which now approach nearer are more scattered and smaller. We saw but about half a dozen all day. In the afternoon we turned into the Fever River [*sic*], a small and very winding stream which brought us to Galena. Here we took leave of the Mississippi. It had been our intention to follow it up to the falls of St. Anthony, but owing to the delay of yesterday and a calculation of the time which it would cost us, we concluded to abandon the idea.

I did not omit the duty of reading today a sermon of Tillotson upon the mode of keeping a fast. 7. Zechariah 5. "Speak unto all the people of the land, and to the priests, saying, When ye fasted and mourned in the fifth and seventh month, even those seventy years, did ye at all fast unto me, even to me?" The practice of fasting is retained by several of the leading sects of the Christian religion. It has been abjured by others so far that even the annual fast set aside by the civil authority in accordance with the ancient custom is little observed. Yet there are uses in it so well set forth in this sermon, that we might all be better for a sincere observance of it. The mind has need to be called often back to reflect upon the vanities and nothingness of earth and upon the self purifying duties which make it in any degree worthy of an intellectual being. We are but worms covering ourselves in clay when we cease to consider the hopes and aspirations of a higher life.

Our company today was all very ordinary. We went up to the hotel and there found our friend Captain Bell, who had given warning of our arrival so that we found ourselves great people at once. After a visit from one of the principal miners, Captain Gear, and some talk about the dreadful riots that have taken place in Philadelphia, I was glad to take off my clothes once more and go to bed.[1]

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[1] Captain Gear was probably the son of the Reverend Ezekiel Gilbert Gear, a missionary to the Indians, and brother of John Henry Gear (1825–1900), governor of Iowa and a member of the House and Senate from that state. Governor Gear's parents lived for some time at Galena, Illinois, but moved across the Mississippi when Iowa Territory was organized in 1838.

Adams refers to the tumultuous riots of May 6 to 8, which resulted from the Native American or Know-Nothing agitation against the Irish immigrants, who offended the old-

Monday, May 20. Galena. Visit to the lead mines. Tea with Captain Gear.

The town of Galena is not in itself large, but being very closely settled along the margin of the river, it has the appearance of a busy and crowded place. Close around it are hills on every side. After breakfast Captain Gear called for us to make the circle of the lead mines which constitute the support of the population. He took us in an open carriage with two horses, the property of one of whom we soon discovered was not to go. This with the shocking bad roads rather tended to make me uneasy, but a feeling of politeness and the assurances of the gentleman that he should subdue him overruled any expression of scruples. He however was compelled to lead him very often—and we preferred walking many times to any hazard of overturn. In this way, we finally managed to get out to his own works, where he smelts the ore. But as every thing was out of order there, he drove us on to the next. His horse, who, as he told us was denominated in his family Captain Tyler, from his inclination to veto, got along better as he went further, by no means in this resembling his prototype.

We saw here the process of smelting, which is very simple. The ore is put into a small blast furnace and having in itself a good mixture of sulphur it requires not much fuel. The lead which runs off in a channel made for the purpose is received in a basin, from whence it is ladled out into moulds where the pigs are formed weighing about sixty-five pounds. The ore yields from sixty to seventy-five per cent of lead. There is believed to be a small portion of silver but not enough to make the business worth pursuing. From here we went to the diggings, as they are called, which may be discerned by the heaps of yellow earth on the surface of the prairies as far as the eye can reach. The mineral is found either in floats, that is in detached masses embedded in hard clay, or in crevices or sheets running between layers of limestone rock. It is sometimes found in very large quantities, at others it is picked out slowly and sparingly. As a consequence mining is a lottery in which there are more blanks than prizes.

We dined at a little settlement ten or twelve miles from Galena, north of the boundary which separates Illinois from Wisconsin. And from thence we went to see the process of washing the sand and clay which yields a great deal of ore, as also two new diggings, which belonged to the landlord with whom we dined. In one of these we were invited to descend. Accordingly, having tied a handkerchief around my head and taken off my outer coat, I put my foot in the loop of a rope and was let down by a windlass a distance of perhaps twenty feet. Here I found a gallery running laterally, out of which they were digging the ore in considerable quantities. Over our heads was an arch of rock under which it is common to find the most ore. I dug a piece out with my own hands and then we ascended. The miners demanded money for a treat, and I gave it. We then returned home after a circuit of thirty miles, in which Captain Tyler stopped several times, but twice in the midst of a stream. After taking tea with Captain Gear and thanking him for his hospitality we returned to our hotel to get some rest before an early call.

er inhabitants of the city, not only because they were Catholics, but because they worked for wages which were much lower than the average.

Tuesday, May 21. Departure from Galena. Stage all day and all night.

We engaged our places in a stage to leave Galena at two in the morning. By an unusual stretch of punctuality we were roused at one and in the stage in a half-hour afterwards. There were but four of us and we had been warned that the roads were bad. Of this we had a specimen yesterday in riding with Captain Gear. But although pretty rough for the first fifteen miles there was nothing seriously to impede our progress. As we went on we came into a beautiful region of country with timber and open lands lying exactly as if elaborated by the hand of man. The park scenery of England is not more rich. From this we came into the rolling prairies, less beautiful, but still remarkable for the richness of the soil and the beauty of the verdure. In a little walk I took in advance of the stage I picked a variety of flowers of the most delicate colours, myriads of which were in blossom as far as the eye could reach. The country is as yet but very thinly populated and the houses scattered along the road look poor. But it must become an agricultural country of great plenty though not perhaps of wealth in our sense of the word.

At the place where we got a plain dinner, the master of the house, learning who I was, expressed his admiration of my father's character. This species of testimony I have received in many places in this journey, to my surprise. We went on without further difficulty crossing the Rock River Ferry and arrived at Dixon's Ferry seventy-odd miles before five o'clock. Here we were notified that the remainder of the road to Chicago was almost impassable—and to facilitate our progress we were detained an hour and a half of daylight simply to make the passengers take tea, and we had the satisfaction to take in eight more persons—several of them by no means the most agreeable. At last we started and made the first stage of thirteen miles slowly but without embarrassment. This brought us into the night. The next stage was done with six horses and two men as guides. We needed them all, for we had scarcely gone a mile before one of our wheels sunk heavily, and we had all to get out and help extricate it. This done, we did not repeat the experiment of our weight, but preferred to get out and walk through what they call the "Sloughs," that is, soft places made in these level grounds wherever the waters do not run off readily. Of course our feet were completely saturated with water in which they were kept all night.

Wednesday, May 22.

Shortly after day break we came to a house, where the driver of the stage coming out west announced that it had been mired a mile or two beyond in a prairie, and asked assistance. We went on and found the stage deep in with all four wheels. The ground was wet, the grass covered with frosty dew, the grouse were making their singular burring noise in all directions without being seen, and the prairie wolves were whining and howling in the distance. I have rarely witnessed a more desolate scene. Some of our passengers who were expert in the business soon obtained rails from a distant fence, with which to pry up the wheels and support them out of the mire. We then took hold of a long rope tied to the back of the stage, and with the aid of two horses at the extreme end, where they could stand pretty firmly, we succeeded in pulling it out of difficulty. But my feet were both wet and chilled in the process, and we rode nine miles more before stopping to breakfast. I then took some measures to dry my feet, but not having a chance to get at my trunk, I was fain to buy a pair of clean dry socks of the landlord at a high valuation. With this refreshment and a warm breakfast we went on.

We were not so often called to get out during this day and when we were, we had an opportunity to pick our way instead of being compelled to splash through every thing at hazard—and to avoid missing the way which cost some of us a rapid and very wet run of an extra and gratuitous mile, during the night. As we went on west, we perceived that the dry and clear days with which we had been favoured were making some impression on the moisture of the soil, and the people had been impelled by the desperate condition of the roads to turn out, and by laying on the branches of young oak trees to give some support in the worst places.

We reached Aurora on the Fox River before three, and found one stage of fifteen miles pretty fair. This brought us to night again—and to worse travelling. Our walking was now of a different character. Instead of being water to wade through, we had to contend with soft and sticky clay. One mile at least was as difficult stepping as I ever experienced. If you stepped wrong or delayed too long, your feet were sinking so fast as to make it doubtful whether the boot could be extracted. The consequence was a necessity of stepping fast, in spite of the tenacity of the adhesive mud. How the horses could get along as they did was marvellous to me—thus we went through the night.

Thursday, May 23. Fine day. Arrival at Chicago. Steamer *Wisconsin.* Lake Michigan.

The last stage, twelve miles into Chicago, was perhaps as fatiguing as any, the road having hardened without becoming smooth, so that after the continued walking for the last forty-eight hours at intervals of a few miles, we had now a continued jolting. Notwithstanding all which, I was so fatigued that I slept more than I had done at any time and actually became refreshed before I put my feet out of the stage at Chicago. We got there at about six in the morning looking like any thing rather than civilized beings—and it being announced to us that the best steamer on the lakes, the *Wisconsin,* was about to start at eight, we had barely time to dress and breakfast before going down on board of her. For the rest, Chicago had not much in it to detain us. It is a new and thriving place, possessing great advantages as the head of navigation to a considerable extent of country. And should the proposed opening be made between the Illinois River and the lake it will finish the circle of communication between New Orleans and Boston, as well as New York.

The steamer we found equalled all the expectation we had formed from the description of her. I have not any where seen such comfort on board of any boat, mixed with elegance. I was besides somewhat relieved at getting away from the rather vulgar and disgusting company of the stage to more respectable human beings. We met here Mr. and Mrs. Templeman Coolidge, and an old gentleman by the name of Nichols from New York, who were civil and obliging. I met the former some months since at a dinner at Mr. James Parker's in Boston.[1] We started at the specified time and made our way along the west side of the lake to Southport and Milwaukie [*sic*], both new and thriving places in Wisconsin. Such is the curiosity to see this new boat that it makes very long stops and thus delays our progress. But here I felt not the slightest inclination to hurry. And strange though it might be, I felt much less of fatigue than when I got to Wheeling. A short nap in my berth restored me to my usual condition. The boat was not crowded and the people in it at once manifested better manners than those on the Western rivers. No more waiting on us at dinner in dirty shirt sleeves, no snatching and pulling, and no dirt. We walked up and took a rapid view of Milwaukie [*sic*], which was the only incident as we went up the lake.

Friday, May 24. Foggy and cold, crossing the Lake.

The fine weather of yesterday was no longer with us when we arose this morning; we had a fog and a southerly wind which disordered my stomach and made my head ache. It also rather retarded our course and prevented our seeing the coast. This, however, is not striking, so far as occasional opportunities enabled us to judge. I did not, however, feel time heavy. I began a letter to my wife, and also read a part of one of the novels of Seatsfield, the new Germano-American author.[2] Some time was also passed in conversation with Mrs. Coolidge and with a Lieutenant Newton of the Army, a son of the old member of Congress from Norfolk [Virginia], who is travelling on furlough with his wife and her sister.[3] There is also a Mr. Root of Connecticut, a clergyman on board—the other passengers I do not know. We crossed the lake today instead of going north, which gave the boat more motion. And the fog becoming more and more dense we laid to a part of the night.

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[1] James Parker was the eldest of the three sons of John Parker. In 1846, each of the Parker sons possessed the handsome fortune of $700,000. James Parker was graduated from Harvard with the Class of 1819. Abner Forbes is illuminating:

"The above are sons of the late John Parker, who died a few years since, leaving one of the largest estates ever accumulated in New England. He first grew rich (and several other fortunes in this list had the same beginning) by buying up continental securities, some sixty years ago, when at a great discount. To the amount thus realized, were added the earnings and savings of a life unusually long. The old gentleman was very scrupulous upon one point. Even in times when money commanded two or three per cent. a month, he would never take more than legal interest. A large slice of this estate is still held in trust for various purposes." Forbes, *"Our First Men,"* 35.

Mehitable Templeman, daughter of John Templeman, married Charles Coolidge, and died February 1, 1819, aged twenty-three. Her husband, Charles Coolidge, son of Joseph Coolidge, II, died September 14, 1821, aged forty. Templeman Coolidge was their son. *Memorials of the Dead in Boston: King's Chapel Burial Ground* (Boston, 1853), 189.

[2] Charles Sealsfield (1793–1864) was born in Poppitz, Moravia. His true name was Karl Postel. By mistake, certain editions of some of his works appeared under the name of Seatsfield. He became associate editor of the *Courrier des États-Unis*, New York, in 1829. He published in English, *Tokeah, or the White Rose* and *Sketches of Transatlantic Travels;* and in German, *Pictures of Life from Both Hemispheres* and *South and North* (1842).

[3] Thomas Newton, Jr. (1768–1847), was a member of the House of Representatives from Norfolk, Virginia, from 1801 to 1829, and from 1831 to 1833.

Saturday, May 25.

Neither was caution unnecessary, as we came near getting aground twice before we got into the harbour of Mackinac. This was shortly after breakfast. There is a miserable fishing town close to the water, and a fortress or rather a mere military post under the hill, which commands the strait. As the captain intended to stop a little while we took advantage of the delay to go up to the fort. Here we found some military officers very civil. The view from this height is very pretty. But the latitude is far up to the north and everything looks cold and stunted. At the landing were quantities of the lake trout for sale in baskets, of which our steward purchased some, giving seventy-five cents for one of thirty-two pounds weight. We then took our course south in Lake Huron, seeing little of a low and uninviting coast. Our only stop was to take in wood at a very solitary place called Presque Isle. This is as yet but a desert. But with a pacific policy these seas will before long resound with the hum of men. I continued Seatsfield, who has a good idea of caricaturing Western scenes—and enjoyed the comforts of our navigation very much. But as is usual with quiet enjoyment, there is very little to record.

Sunday, May 26. Clear. Divine service. Arrival at Detroit.

We continued our voyage along Lake Huron with very little variation this morning. We have been very much favored by weather. As there was a clergyman on board, we had divine service in the morning in the dining room, at which most of the cabin passengers attended. Mr. Root preached a sermon the main topic of which was the necessity of choosing a good life on peril of eternal damnation. It was delivered from very rough notes and seemed to me as of small merit. Yet as I had been so little in the way of religious services during the whole journey I was glad to have them performed here. I also read a sermon of Tillotson from 73 "Psalms" 25. "Whom have I in heaven but thee? and there is none upon earth that I desire beside thee." Upon the goodness of God, and the wisdom of his dispensations although mortal man cannot see them in the full course of their operation. It is he then who should form the support of all human happiness on earth. Of all these things I have never doubted. Even the corrections and punishments of the Deity are of a useful and purifying influence upon the sum of human life. They serve to reduce man's estimate of himself always tending to excess and to diminish his attachment to the vanities of the world.

I read something more of Seatsfield today. After dinner, we found ourselves rapidly nearing the River Sinclair, through which the waters of the upper lakes discharge themselves into Lake Erie. At the head of the river in Fort Gratiot,[1] and along the line of the bank, we noticed a degree of improvement quite un-expected to me. There was something in the contrast of the deep blue water, the clear, fresh green of the bank, and the neatness of the dwellings which quite exhilarated me after looking at the banks of the Mississippi. In these regions, after all, will probably dwell industry and freedom.

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[1] Fort Gratiot, a former city in St. Clair County, Michigan, on Lake Huron, is now a part of Port Huron.

We went along at a very rapid rate into Lake Sinclair, a place where the water suddenly spreads over a flat surface and becomes so shallow as seriously to impede the navigation of this great chain of lakes. Our steamer scraped the mud bottom for three miles. We did not reach Detroit until after dark. And here, having decided to stop a few hours, we took leave of the comfortable boat and pleasant company, not without a slight feeling of regret. We went up to the hotel and spent the hour before bedtime in examining the newspapers during the now considerable period that we have been out of the reach of late intelligence.

Monday, May 27. Warm. Detroit. General Cass. I. J. Reed. Steamer *New England*. Fort Malden.

The room and house in which we are is a symbol of return to a neater neighborhood. I was up early and first of all went to the post office, where I received a considerable number of letters from home. They gave me favorable accounts of all down to about a week ago. This was much later and relieved my mind very much. Having read over these and breakfasted, the next thing was to see the place. We were fortunate in meeting Mr. Green, the gentleman from Niles [Michigan] whom I mentioned as a delegate to the Baltimore Convention a month ago on the road from New York to Philadelphia. He and one or two other gentlemen showed us all that was to be seen. Detroit is an old place, but having been repeatedly burnt over, it appears like a new one. It seems prosperous, and bids fair to be a good-sized town. It is likely to be aided by a railroad across to St. Joseph's on Lake Michigan, which will probably affect the lake trade to Chicago. There is nothing here, however, of much interest.

We met by accident Lieutenant-Governor Reed, who has a daughter married here, and with him we went to see Governor Cass.[1] We found him ensconsed in a mass of his old Parisian finery, looking, as I thought, very much as if he would prefer to be in more active life. He was however very gracious to us and talked pleasantly upon a great variety of subjects. No sort of allusion to politics, however. This is the day of meeting of the Democratic Convention at Baltimore. And it turns out that this gentleman's principles could not stand the temptation presented by the Southern members, so that he has written them a letter to suit their taste about Texas. This is directly in the teeth of assurances made in private a month ago among his friends here, of a directly opposite character. Such is the extent of the statesmanship of Lewis Cass. His letter, which has been published, will scarcely tend to exalt the motives of his conduct. We must now wait to see what will be the fruits of this treachery.[1]

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[1] John Reed (1781–1860) was lieutenant governor of Massachusetts from 1844 to 1851.
Lewis Cass (1782–1866) was sent over as Minister to France in October, 1836. As a result of a row over a treaty designed to legalize the right of search, Cass came into collision with Daniel Webster, who was Secretary of State, and resigned. Cass hated the British all his life.

Having time enough after we left him, we took the opportunity to cross over the river to the other side and look at the condition of the Canada people. A few minutes' observation however satisfied us that colonial vassalage was as unfavourable to the developement of man's energy as negro slavery. They come to the same general result by a slightly different process. One makes him distrust his ability to aid himself, the other makes him too proud to make the exertion.

We returned to dine, and perceiving nothing to induce a longer stay at Detroit, we decided upon taking the first opportunity to leave it. Four boats were starting this afternoon—two of them in opposition to each other at a low rate of fare—one an English high-pressure boat to follow the Canadian side, and the last, the *New England*, being the regular line. We decided to take the last, and we found we had it all to ourselves—such are the attractions of a low price. We left at half-past four and had a very pleasant trip down to Fort Malden on the Canadian side, the end of the river. Here we went ashore for a walk and saw nothing but soldiers dawdling away their time. Such is Canada. We then started on Lake Erie, and finding nothing further to observe, we soon retired to bed.

Tuesday, May 28. Lake Erie. Cleaveland [*sic*]. Erie.

On rising this morning we found we had made successful progress during the night and that we were going into the town of Cleaveland in Ohio. As the captain intended to wait some hours here to take in fuel, we went up to look at the place. Although there are evidences here of the unnatural state of things which took place in 1836, yet there are also appearances of a more stable foundation to the growth of the town.[2] It is beautifully laid out and has got over the bald look of novelty which takes off from the aspect of Western settlements. On the whole I should call it the prettiest place we have visited. It has also advantages commercially by having become the head of canal navigation through the state to Portsmouth on the Ohio. This is, I believe, the way my father went last year to Cincinnati.[1] Having seen all that could be seen and watched the entrance of the opposition boats filled with passengers, as well as their exit, we in our turn started on our way. And our steamer being the most rapid, we soon got before them again and made our course close along the southern shore of the lake. There is, however, very little to interest one in its low shores.

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[1] Adams refers to the notorious Hannegan Letter which Cass wrote on May 10, 1844, strongly urging the annexation of Texas as a bid for the Democratic nomination for President. When Polk was nominated, Cass was loyal to the party ticket, and Michigan sent him to the Senate in 1845.

[2] These vague words probably refer to the Anti-Slavery agitation in Ohio prompted by the campaign of Theodore Dwight Weld (1803–1895), "eloquent as an angel and powerful as thunder," a man of "almost morbid modesty," who married Angelina Grimké. Weld's activities in Ohio led not only to mob outbreaks, but to the formation of Anti-Abolitionist societies. One of these, meeting at Cleveland, September 10, 1835, adopted resolutions declaring the Abolitionists to be "unwise, dangerous, and deserving the emphatic reprehension and zealous opposition of every friend of peace and of the country," and disclaiming "all right to interfere directly or indirectly with the subject of slavery in the Southern States." Carl Wittke, *The History of the State of Ohio*, III: Francis P. Weisenburger, *The Passing of the Frontier, 1825–1850* (Columbus, Ohio, 1941), 371. In Cincinnati, on July 12, 1836, a mob attacked the establishment of the Anti-Slavery *Philanthropist,* destroying much property and dismantling the press. Like most Yankees, Adams may have confused Cleveland with Cincinnati.

I amused myself reading one of Eugène Sue's novels, which I purchased at Chicago.[2] It is very inferior to the *Mysteries of Paris,* and has not much to recommend it in any point of view. French literature in this century is no better than in any preceding one. There is no moral or social value in productions like this, whilst they tend to the corruption of young minds. It served to while away some of my hours here, and that is the best use it probably has ever been of. We saw the town of Erie in the distance, but did not stop. The day was fine and we noticed a good deal of navigation on the lake, which takes off from the effect of seeing such large sheets of water without movement. We also had picked up a few passengers at various places.

Wednesday, May 29. Fine. Buffalo. Niagara Falls.

We were roused this morning some time before sunrise, and found that we had reached Buffalo. So we got up and walked to the great hotel of the place. The first thing was to dress, the second to go to the post office for letters, which I found in abundance. They were up to the 26th and except that they betrayed too much anxiety at my absence, were highly favorable. Quincy decides to go straight home this morning in the expectation of bringing his wife on with him next week to visit Niagara. As I have not the same prospect, the question with me is whether I shall or shall not diverge, when I am so near. I determined so to do, and thus Quincy and I parted. Well, we have had a very pleasant journey together, marked by not a single adverse event or doubtful word. It is impossible for two companions to suit each other better. After a very excellent breakfast, he took his way to the depot to go east, and I to start for the Falls.

A ride of two hours brought me to the Cataract House. I think it is eight years since I was here before. No sooner was I established for the day, than I ran over Goat Island to discover all the various views which I remembered. The spot is not much changed, but how am I altered in the interval. I hardly dare to reflect upon it. But this time I was alone and I think I gave myself more fully to the spirit of the scene than before. The stunning sense of power, illimitable, uncontrolled by man, is that which with me absorbs every other—I cannot express my ideas, because I cannot wait to form any or find words to dress them. There is power right before me—I am an atom—passing away in a breath. This is perpetual. It has rolled, unconscious of the deeds of men, of the solitude of nature or the admiration of the world, and will roll, whether Henry Clay or any other particle of matter be for his hour the chief of his petty tribe or no. The same flood goes not back again, but it makes not the smallest difference in the exhaustless provision of nature. Thus I mused, and the time seemed short until dinner.

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[1] In 1843, John Quincy Adams travelled one thousand miles, at the invitation of the astronomer, Ormsby MacKnight Mitchel (1809–1862), to lay the cornerstone of the first astronomical observatory of any significance in the United States, on what is now Mount Adams, in Cincinnati. See *Memoirs of John Quincy Adams* (Philadelphia, 1876), XI. 411-430, and John Quincy Adams, *An Oration Delivered before the Cincinnati Astronomical Society on the Occasion of Laying the Corner Stone of an Astronomical Observatory, on the 10th of November, 1843* (Cincinnati, 1843).

[2] Eugène Sue, really Marie Joseph Sue (1804–1857), a French novelist, born at Paris, who took the name Eugène in honor of his patron, Prince Eugène de Beauharnais. Adams was probably reading *The Wandering Jew,* which appeared in 1844.

At the hotel I met with no acquaintance excepting Lieutenant Newton and his wife and sister, who all left directly after dinner. I then crossed over to the other side in the ferry-boat and taking a carriage, rode all round as long as the time would allow. I went to the burning spring, a place which I had omitted in my former visit—and which is certainly curious as being so near the rapids above the Falls—and also to the table rock and the point at the foot of the stairs, which is, after all, the place beyond comparison. Everything sinks into insignificance by the side of the Horse Shoe Fall. For the first time, I felt tempted to go under the sheet itself, but the time was growing late, and I resisted the sort of impulse as being of questionable origin. I then got home to tea.

The time then came for me to decide upon what to do for the next day. I could either go on to Lewiston and so follow the lake to Oswego and thence to Syracuse by canal, or retrace my steps to Buffalo and keep the railway. One would bring me home twenty-four hours earlier, the other plan had its recommendation in other respects. After a last stroll to watch the Fall by moonlight, I decided in favour of the return to Buffalo. My reasons were two—I thought, or fancied, bad weather would come tomorrow—and I wished not to miss the services of Sunday, when I might return my thanks for the protection which had been extended to me in so long a journey. My mind once made up, I retired at once to gain some rest before starting so early in the morning.

Thursday, May 30. Rain. Niagara Falls to Buffalo. Rochester. Syracuse.

Although the sky was clear when I made it, my conjecture of last evening was right. It rained when we were summoned to the railroad, in order to get to Buffalo; so I was very glad to start on my return. We arrived without incident, and I immediately transferred myself to the train, which was about to leave for the eastward at half-past eight. So that after all I saw little of Buffalo excepting its principal street. It has however every appearance of a flourishing place, and bids fair as the head of the lake navigation to be one of the greatest of our inland cities. I met here my former travelling companions, Mr. and Mrs. [Templeman] Coolidge and Mr. Nichols, so that I was not alone. We went on without incident to Rochester, where we dined and where there is a most inconvenient break in the chain of railroads, to those who, like us, were caught on a rainy day.[1] From Rochester the line runs through a very pretty country and a series of towns all of which I missed seeing in my former trip this way. But there was not time for much observation now. Canandaigua, Auburn and Geneva all vanished before us, and at Syracuse, which we reached at eleven o'clock, I bid good-bye to my fellow-passengers who preferred to stay the night over, and took my course along "solitary and alone."

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[1] The seven independent railways between Albany and Buffalo were not incorporated into the New York Central Railway until 1853, when they passed into the control of Dean Richmond (1804–1866), for many years a power in the Democratic Party in the state, and

Friday, May 31. Utica. Schenectady. Albany. Springfield.

On we went from Syracuse, and it was about half-past two in the morning when we reached Utica. Here is a very inconvenient and useless delay. The passengers are all turned out to wait until four o'clock, which is the time fixed for the regular departure of the train. I had no resource but to look over the files of the newspapers and observe the wrangling process that is going on at the Baltimore Convention. One thing seems to be pretty clear, and that is, that Mr. Van Buren's prospects of the nomination have been defeated by the establishment of the rule requiring a vote of two-thirds. The postscript to the last date appears to intimate an intention to fall back upon General Jackson, which would be indeed a desperate step.

Having read through all the news, I spent some time in eating an oyster breakfast, which I ordered "pour passer le temps" and then took my place again in the cars. They started at four and on we went through the valley of the Mohawk. The day was showery, and I felt fatigued and sleepy. We reached Schenectady at half-past nine and Albany before eleven. Not intending to remain at this place, I threw myself into the first stage that came and was let out at a hotel which I never saw before. It was however very clean and I dressed and went out and made the purchases for my children which I wished, before dinner.

The news is from Baltimore that James K. Polk of Tennessee is unanimously nominated for President. So Mr. Van Buren is overthrown. Well, others will lament over this more than I.[1] It remains to be seen what headway the party will make under a lead exclusively Southern. My course is wondrously simplified at any rate. After dinner was over, I went down to the ferry of the western railroad and soon started on the way home. The weather had cleared and we made a very rapid and pleasant trip to Springfield, which I reached at about eight o'clock. I went to Mr. Worriner's house, which has been so much

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eventually an ardent supporter of Stephen Arnold Douglas. Richmond had little education, and no cultural opportunities; all his life, he swore to excess, could not make a speech, or even converse in grammatical language, and his handwriting was practically illegible. But he left an estate of $1,500,000, which his widow, Mary Elizabeth Mead, an alert, sagacious woman, increased to $6,000,000.

[1] This comment from Adams seems strange, in view of the fact that in 1848 he ran for Vice President on the Free-Soil Ticket with Van Buren at the top. This spite-ticket cost Lewis Cass, the Democratic nominee, the electoral vote of New York and the Presidency. In that state, Van Buren polled 120,510, and Lewis Cass, 114,318. General Taylor got 218,603. The memory of this deed died hard, and probably cost Charles Francis Adams the Democratic nomination for President at Cincinnati in 1872, when Horace Greeley emerged as the ludicrous nominee.

celebrated—and there met with many acquaintances from Boston.[1] After conversation, I went to bed.

Saturday, June 1. To Boston. Home. Office.

I was roused early and breakfasted prior to resuming my course on the railroad. There was nothing of particular interest occurred on the route and I found myself again at home before twelve o'clock. My wife received me with much pleasure, not expecting me at the time, and my daughter Louisa seemed more affected than I had ever before seen her. The children were all well, but John and Charles were at Quincy for their vacation.[2] Thus my journey of about four thousand miles has been accomplished without accident and without any uneasiness whatever at home. For this as for all other blessings I am very profoundly grateful to God.

The effect which I sought for has been in a degree obtained. I have freshened my sensations and turned the current of my thoughts. I will now again strive to follow up my duties with more vigour and to refine my mind from all its impurities with more earnestness. Let me only labour with deep humility at my unworthiness. After some time spent at home I walked down into town to see how matters were going on at the office. Afternoon wasted in the usual way—and quiet evening without anything necessary to record.

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[1] Jeremy Warriner was the proprietor of the United States Hotel at Springfield, Massachusetts, "one of the most elegant houses of public entertainment that I ever visited." "We took lodging at Warriner's hotel, one of the best in the United States. He gave me an excellent bed-chamber, with a fire." *Memoirs of John Quincy Adams*, XI. 390, 411.

[2] In 1844, Charles Francis Adams had five children: Louisa Catherine Adams (1831–1870), who married Charles Kuhn (1821–1899), and left no issue; John Quincy Adams (1833–1894); Charles Francis Adams (1835–1915); Henry [Brooks] Adams (1838–1918); and Arthur Adams (1841–1846). Mary Adams (1846–1928), who married Henry Parker Quincy (1838–1899), and Brooks Adams (1848–1927) were yet to be born. Louisa Catherine (Adams) Kuhn died of lockjaw at Bagni di Lucca. For two remarkable and revealing letters written by Henry Adams from her bedside, July 8 and July 13, 1870, see W. C. Ford, *Letters of Henry Adams (1858–1891)* (Boston and New York, 1930), 188–190.

When Lincoln "Ruled" Alone

By F. LAURISTON BULLARD[1]

THE extraordinary man who became President of the United States on March 4, 1861, did many amazing things during his four years in office. Among these none was more remarkable than his prompt assumption of executive power at the outset of his administration. In the months that had intervened between his election and his inauguration seven states had renounced their membership in the Federal Union and had formed a new Confederacy, for which they had adopted a constitution and had installed a provisional government. For the inexperienced man in the White House the weeks immediately following his taking office were a period of watchful waiting. He disappointed the popular expectation that Congress would be called in special session. With the firing on Fort Sumter on April 12 he did summon Congress to meet—but not until July 4. During that interval of eighty-three days, or one hundred and twenty-two days if one counts from the day of his inauguration, the untried man from the West was the sole government of the United States. His astonishing exercise of authority, expressed in a series of bold and unprecedented executive acts, was accepted in the North and denounced in the South as the establishment of a dictatorship. During that period Abraham Lincoln ruled alone.

The Illinois lawyer owed his nomination for the presidency to that factor in a complicated situation which politicians describe as "superior availability," and to the masterly manipulations of David Davis at the Chicago convention. The split in the Democratic Party and the division of the popular vote among four candidates insured his election. The significant fact is often overlooked that even if he had been opposed by a single candidate who could have polled the combined popular votes of Bell, Breckinridge, and Douglas, Lincoln still would have carried the election with eight more than a bare majority (152) in the electoral college. Under our cumbersome system the candidate who received only two-fifths of the popular vote obtained one hundred and eighty electoral votes, or twenty-eight more than the necessary number.[1]

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[1] This paper was read at the December, 1944, meeting.

During the four months that intervened between his election and his inauguration Lincoln remained quietly in Springfield, maintaining a sphinxlike silence, making no statements, referring all questioners to his recorded speeches and to the platform of his party. Many public men came to see him, but these conferences were shrouded in secrecy. He wrote a number of important letters, nearly all of which were marked "private" or "confidential." Once he made a momentous decision, of which the public at the time knew little or nothing, which probably was the decisive influence in the defeat of that proposed group of statutes and constitutional amendments known as the Crittenden Compromise. He could not have done otherwise without repudiating the foundation principle of his political philosophy—that there must be no extension of slavery beyond its existing limits.

With intense anxiety the nation watched the progress of secession and waited with mingled impatience and curiosity for some intimation of the course the incoming President would pursue. His speeches in the roundabout journey from Springfield to Washington did little to reassure his friends as to his competency for the office he was about to assume, while they did excite the derision of doubters and critics. He desired to respond appropriately to the honors bestowed on him, but he quickly learned how eagerly any stray word would be pounced upon as showing the trend of his mind on the problems of the hour. The reactions to his remarks at Indianapolis on the day he began his journey confirmed him in his determination to make no premature commitments. He alluded definitely that day to the assumed right of secession and the nature of "coercion," saying, however, that he was "not asserting anything," but "merely asking questions" for his "fellow-citizens to consider."[2] His words exasperated many of the Southern leaders.

Thereafter he avoided such matters and said nothing as gracefully as he could. He told the Ohio legislature that he did not maintain "silence from any want of real anxiety," and in New York he said the policy of silence had been followed since the election simply because he "thought, upon full consideration, that was the proper course" for him to adopt.[1] His nearest approach to any hint of probable action was contained in such sentences as this at Harrisburg: "It shall be my endeavor to preserve the peace of this country so far as it can possibly be done consistently with the maintenance of the institutions of the country."[2] The most emotional of these short addresses was that at Independence Hall in Philadelphia on Washington's Birthday. On his arrival in that city on the night before, he had twice been warned of a plot to take his life on his passage through Baltimore on February 23. He must have spent some wakeful hours that night. In his speech next day he declared that the Declaration of Independence was the source of "all" his "political sentiments."[3] He had always thought of himself as a political disciple of Thomas Jefferson. While in "the present aspect of affairs, there is no need of bloodshed and war," still, he said, if the country could not be saved without giving up the principle of the great Declaration, "I was about to say I would rather be assassinated on this spot than surrender" that principle.[4]

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[1] A combination of the field against Lincoln would have altered the electoral results in only three states: California, with 4 votes; Indiana, with 13 votes; and Oregon, with 3 votes. Subtracting these 20 votes from the 180 which Lincoln received would have left him with 160 votes, or 8 more than a bare majority of 152. See Edward Stanwood, *A History of the Presidency from 1788 to 1897* (Boston and New York, 1898), I. 297.

[2] *Complete Works of Abraham Lincoln,* John G. Nicolay and John Hay, Editors, (Gettysburg edition, 12 volumes, New York, [1905]), VI. 113–115. Hereafter cited as *Complete Works.*

These vague and somewhat contradictory utterances intensified the misgivings with which the public regarded the strange man from the West. He had had absolutely no administrative experience. He was only a backwoods lawyer, a stump speaker of unusual power; what did he know of statecraft? Conscious always of his own integrity, and loath to believe that his countrymen would go to war, he had talked about peace and an artificial panic. Had he no eyes to see, no mind to understand what was going on? The Union was disintegrating, and this tyro in executive affairs was now to take the helm of the state. Well, there was one comforting thought: William H. Seward would be the power behind the throne, the Premier would control the President.

On the morning after his inauguration Lincoln found on his desk an official statement that Major Anderson's food supply at Fort Sumter would not last more than forty days. Orville H. Browning recorded in his diary that his friend, the President, had confided to him in the following July that "all the troubles and anxieties of his life had not equalled those which intervened between this time and the fall" of that fort in Charleston Harbor.[1] No President ever had confronted such a maze of perplexities. Henry Adams, young, but a keen observer on the spot, and with the advantage of inside information, was of the opinion that the new President "had to deal with men and measures that would have taxed the patience of Washington and required the genius of Napoleon."[2]

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[1] *Ibid.*, 122 and 146. [2] *Ibid.*, 161. [3] *Ibid.*, 157. [4] *Ibid.*, 158.

Lincoln did not have a united North at his back. In the November election the popular vote certainly was for union and peace. Lincoln received not a single vote in ten of the thirty-three states which participated in the national referendum; Breckinridge, the only one of the four candidates who stood for secession, got votes in all the states, although his total was less than a fifth of all the votes.[3] In Illinois, Stephen A. Douglas had 160,000 to 172,000 for Lincoln, and in Indiana 115,000 to 139,000; while in New Jersey he obtained four electors to Lincoln's three. While the out-and-out Lincolnians stood against any compromise which might lead to an extension of slave territory, there was a strong peace party in the free states whose sentiments, whether founded on selfish interests or representative merely of apathy and indifference, furnished little aid and comfort for the new Administration. The abolitionists were ready and eager to facilitate the exit of the slave states from the Union, and a large body of able and earnest Northern men would have welcomed any compromise which, they fondly hoped, might induce the seceded states to reconsider their action.

Nor was Lincoln sustained by a united party. In 1858, as Lincoln himself had said, the party embodied "strange, discordant, and even hostile elements."[4] Three years later it was simply a far larger conglomerate—its members united in general in their attitude toward slavery and in their scramble for office. The Whigs, Free-Soilers, Know Nothings, and Democrats, embodied in the now victorious party, had not lived together long enough to learn the arts of harmony, even in the face of so great a peril as the splitting of the country into two rival nations. Many public men whose opinions Lincoln would naturally seek were not doing much to help him chart his course. Winfield Scott, General-in-Chief of the Armies of the United States, had sent him in November, 1860, a copy of his "Views Suggested by the Imminent Danger of the Disruption of the Union" which he had already communicated to President Buchanan. Of all the queer ideas current in that troubled time Scott's was the strangest. He would concede the right of secession, and instead of a single split he would divide the nation into four new confederacies. Lincoln sent him a polite note, but the only effect the old warrior's absurd scheme had on his mind was the awakening of doubts as to the extent to which he might depend on him in case war should come.[1]

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[1] Theodore C. Pease and James G. Randall, *The Diary of Orville Hickman Browning* (2 volumes, Springfield, Illinois, 1925–1933), I. 476. The date is July 3, 1861.

[2] Henry Adams, "The Great Secession Winter of 1860–61," *Proceedings*, XLIII. 682.

[3] In New Jersey, New York, and Rhode Island the anti-Lincoln candidates ran on a fusion ticket.

[4] In the "House Divided" speech; *Complete Works*, III. 15.

Henry Ward Beecher, who preached loudly to the nation from the pulpit of Plymouth Church in Brooklyn, said to a Boston audience late in November: "Do you think the South will secede? . . . I don't believe they will; and I don't care if they do."[2] That erratic genius, Horace Greeley, the most influential editor in the land, for weeks advocated the doctrine of the peaceful alienation of the South. The right of secession exists, he argued. He did not care to live in a republic pinned together by bayonets. If the Southern people after calm and deliberate consideration demanded separation, let them "be permitted to go in peace."[3] Not until March, 1861, did he complete a circuitous journey to the acceptance of war if necessary for the preservation of the Union.

Charles Sumner spent four hours in the Senate on June 4, 1860, reading a speech on "The Barbarism of Slavery," the preparation of which had cost him many weeks of hard labor. Circulated throughout the country, it was regarded as the most terrible indictment to date of the "peculiar institution" of the South. Several weeks later he spoke at the Cooper Institute on "The Republican Party; Its Origin,

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[1] Charles W. Elliott, *Winfield Scott: The Soldier and the Man* (New York, 1937), 675–677.

[2] James Ford Rhodes, *History of the United States from the Compromise of 1850* (5 volumes, New York, 1893–1904), III. 139, whose authority is the *New York Tribune* of November 30, 1860.

[3] *New York Tribune*, various dates in November, 1860. The quotation is from an editorial in the issue for November 16. See also Ralph R. Fahrney, *Horace Greeley and the Tribune in the Civil War* (Cedar Rapids, Iowa, 1936), 43–44.

Necessity, and Permanence," and included numerous outstanding passages from the Senate speech. This address was printed for campaign purposes by the Republican National Committee, in spite of the deprecation with which many of the party leaders regarded it. Sumner's words tended to confirm the Southern partisans in their fears for the safety of their labor system, and to justify the widespread although vague notions of the hypocrisy of Lincoln and the more moderate wing of his party.[1]

Having direct access to original sources of information, Lincoln probably read the newspapers less during the years of war than in any other period of his career, but it is almost a certainty that in the first weeks of his incumbency, with the aid of his secretaries, he carefully took account of the views of the press. He may well have noted that the *New York Journal of Commerce* (March 5) considered his inaugural theory of an unbroken Union the equivalent of a proclamation of war; that the *Albany Atlas and Argus* (March 5) ridiculed the inaugural as a "rambling, discursive, questioning, loose-jointed stump-speech"; and that the *Philadelphia Evening Journal* (March 5) saw it as a platitudinous, incoherent, and illogical apology for his own election to the Presidency. He probably knew that the *Pittsburgh Post* of March 18 declared that only compromise could save the Union, while the *Newark Daily Mercury* (March 25) pictured Northern merchants and manufacturers as favoring a policy of peace. Various papers held that the Cotton States, if left alone, would return to the Union in a few years. Others charged that the Administration was quite willing to sacrifice everything to party interests. And one paper, whose pages the President carefully scanned throughout the war, James Gordon Bennett's *New York Herald*, on April 11, the eve of the bombardment of Fort Sumter, went so far as to say that "oceans of blood and millions of treasure are about to be expended in order to carry out, ostensibly, an impracticable theory, with no other conceivable end than to leave the country exhausted, impoverished, and wretched." On the other hand there were papers which sturdily stood by the new President and applauded his inaugural, but such diversities of sentiment might well have disheartened an executive who needed a united people at his back if war should come.

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[1] *Congressional Globe*, 36th Congress, 1st Session, 2590–2603; Moorfield Storey, *Charles Sumner* (Boston and New York, [1900]), 171–176; Edward L. Pierce, *Memoir and Letters of Charles Sumner* (4 volumes, Boston, 1877–1893), III. 605–617.

And Lincoln's Cabinet was divided. Twice in his first month in office he put his official advisers on record as to what ought to be done with Fort Sumter. On March 15 they were asked to write their replies to this question: "Assuming it to be possible to now provision Fort Sumter, under all the circumstances is it wise to attempt it?" Salmon P. Chase and Montgomery Blair said, "Yes." William H. Seward, Simon Cameron, Caleb Smith, Edward Bates, and Gideon Welles said, "No." On March 29, with the Secretary of War absent, the six members present, after discussion, hurriedly wrote their views in the presence of the President. The Secretary of the Navy having changed his position, there now were three affirmatives with two negatives, while the statement of the Attorney General was indefinite. Why Cameron was absent does not appear.[1]

Throughout almost all that month of March the Senate was in special session. Debate over the President's inaugural and its correct interpretation began on the second day after he took office, with Stephen A. Douglas warmly supporting his long-time rival and Thomas L. Clingman of North Carolina insisting that the President "upon his own showing" was "pledged to regard the taking possession" of Fort Sumter by state authority as "insurrectionary or revolutionary," and that any attempt to enforce the laws of a Union whose authority South Carolina had repudiated would render a collision inevitable. On the following day Louis T. Wigfall of Texas asserted that "Mr. Abraham Lincoln has to remove those troops from . . . Fort Sumter, or they will be removed for him."[2] During those tense days Douglas many times took the floor in defense of the President; yet on March 15 he affirmed: "We certainly cannot justify the holding of forts there, much less the recapturing of those that have been taken, unless we intend to reduce those States themselves into subjection."

The instant he finished that speech Henry Wilson of Massachusetts charged him with having made "a mischievous, a wicked, and, in the present condition of the country, an unpatriotic speech."[3] There were many long speeches during that special session. Nearly half the whole time was devoted to the consideration of a resolution offered by Douglas to request the Secretary of War to inform the Senate what forts, arsenals, and navy yards in the secession states were in the actual possession of the United States, and whether it would be wise to retain possession and to recapture other properties which had been seized by the seceding states. Not only were there divisions of view between the Northern senators and the few members present from the South, but the Northern members often found themselves at odds. That session did not in the slightest degree help the President in reaching the momentous decisions that impended.

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[1] John G. Nicolay and John Hay, *Abraham Lincoln, a History* (10 volumes, New York, 1890), III. 385, 429–433; A. Howard Meneely, *The War Department, 1861, a Study in Mobilization and Administration* (New York and London, 1928), 92.

[2] *Congressional Globe*, 36th Congress, Special Senate Session, 1436, 1441.

[3] *Ibid.*, 1459, 1461.

In his inaugural Lincoln had said: "The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere." No passage in the address was more extensively debated. To the Unionists of the North it signified that the revenues lawfully due the Federal Government must be collected and the properties paid for and owned by that Government must be held or recovered, in fulfillment of the constitutional oath he had taken, which he interpreted as meaning that he was expressly enjoined thereby to execute faithfully the laws of the Union in all the states. In the South that passage encountered a hurricane of objurgation. What he called "the execution of the laws" the South assailed as "coercion." In that connection it was noted that the President also had said: "In doing this there needs to be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority."[1]

Both sections were acutely conscious of the practical problem which the Administration would encounter in any attempt to enforce the laws against determined opposition. The regular army at that time actually numbered 16,367 officers and men. Of the 198 companies, 183 were on the frontier or on the way to distant posts in the West, leaving fifteen companies to guard the Canadian border and the Atlantic coast. For the protection of the national frontiers there was an average of two soldiers a mile, and for the security of the vast domain beyond the Mississippi one soldier for each one hundred and twenty square miles of territory; while for the enforcement of the laws in the remaining states the Government had a single soldier for every thirteen hundred square miles.[1] In the hands of Secretary Welles was a Navy list carrying the names of seventy-six ships, of which only forty-two were in commission and only twenty-three were steamers.[2] Many of these vessels were on foreign stations, and most of the others were in dry-docks.

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[1] *Complete Works*, VI. 175–176.

During the early weeks of his presidency Lincoln had to struggle with the importunities of the mob of office-seekers—to listen to all and sundry who came to him with advice—counseled from day to day with the members of his Cabinet, told stories—and kept still. Those who had known him in the old days in Illinois understood well that his words and actions did not at all indicate what were his thoughts. They surmised that his mind never could have been more busy. His secretaries said that on one night, at least, "his eyes did not close in sleep." As the days drifted by without any elaboration of policy aside from the inaugural address, many men who had long been in public life came to think of him as simply fumbling with an emergency which he failed to comprehend. Chief among these men was the Secretary of State. It was at that time that Seward sent Lincoln those "Thoughts for the President's Consideration" in which he charged him with having no policy, and, along with a series of extraordinary proposals, offered himself to take over the Administration. The reply of the President, on that same day, decisive but courteous and devoid of any trace of resentment, gave the Secretary a genuine taste of the President's quality.

Day after day, the newspapers demanded if not action at least a declaration of intention. The most remarkable editorial in any Northern paper was printed in the *Illinois State Journal* of April 9, 1861,[3] in the President's home town. The article seems to be quite unknown. It so accurately interpreted his mind that a reader finds himself asking if Lincoln may not have inspired it. That paper had supported him throughout his Springfield years. The editor, whose wife was a niece of Mrs. Lincoln, had been on intimate terms with him. The title of the article is suggestive: "The Power of the President to Act Independent of Congress." The editorial argument was that "the Executive is not the creature of the Legislative or the Judicial Department." Some matters with which the article was concerned had been under discussion in the Senate and in the press. It may be that the Springfield editor had talked in confidence with the President-elect and had studied his Indianapolis speech and the inaugural address carefully enough to fathom the mental processes through which he arrived at a basis for action. This presumably is a more reasonable guess than that Lincoln caused the publication of the article, written as it is in a style anything but Lincolnian, as an experiment with what today would be called a trial balloon. Anyhow it appeared too late to produce discussion.

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[1] Emory Upton, *The Military Policy of the United States* (Washington, 1917), 225.

[2] Richard S. West, Jr., *Gideon Welles, Lincoln's Navy Department* (Indianapolis and New York, [1943]), 100; *The American Annual Cyclopædia and Register of Important Events of the Year 1861*, 499 ff.

[3] See Appendix (pages 347–349, below).

Three days after the *Journal's* editorial was published Sumter was fired upon. That fort had come to be accepted as a symbol. Its evacuation, after many weeks of disputation, with the government of Jefferson Davis adroitly playing for position and watching for any chance to put the government at Washington in an ambiguous position, would have been construed in the North, and in Europe, as equivalent to recognition of the separation and independence of the states that had seceded. Browning records in his diary how he warned the President that he was surrounded by cliques that sought to control him, and that his course should be to hear all parties, make up his own mind, and not be "bullied or cajoled" out of his decision. To this the President replied that "he had done so to a greater extent than was generally supposed." For example, it was his own decision to send supplies to Fort Sumter, and his determination to give notice to the South Carolina authorities had been opposed by his entire Cabinet.[1]

On the second day before the firing on the fort the *New York Evening Post* issued what amounted to an editorial challenge to the Administration. Probably the writer was William Cullen Bryant; if not, he was the authority responsible for the item. "On Mr. Lincoln," said that important organ of opinion, "depends today the future of this Continent. The hour has come—the people wait—let him prove himself a man." Sumter surrendered on April 13. The next day the man appeared.

Between March 4 and April 14 the President of the United States had been only "a simple Susan," entirely unfitted for the crisis that impended. During the ten days that followed the surrender of Fort Sumter his fellow Americans, both North and South, discovered a new and unknown Lincoln, a man of action, who lost not an hour in taking the measures necessary for the protection of the Union. He had been cautious and conciliatory. If war came, the South must strike the first blow. That blow struck, all apparent hesitation vanished overnight. He did not act without the full endorsement of his Cabinet. Major Anderson and his men marched out of the shattered fortress on Sunday, the fourteenth. The President's call for 75,000 men, and for a special session of Congress—to convene, after an interval of more than eighty days, on July 4!—followed on Monday. On Friday of that week he proclaimed a blockade. On Sunday, the twenty-first, at a meeting in the old Navy Building, where they could confer in seclusion, he posed for the Cabinet the decision that must be made between literal conformity with the Constitution and the laws ordained by the Congress, and the use of unauthorized methods, in what he conceived to be the spirit of the Constitution, for the saving of the Union, with the expectation that the Congress later would sanction what was done. One way they would take the greater risks of ruin in order to stay strictly within the prescribed limits of action; the other way they would adopt every available means for the prevention of the division of the nation and seek a future validation of their action. The President, in a special message to the Congress the following year, recorded the unanimous concurrence of the members of his Cabinet with his own choice. No such astonishing assumption of authority ever had taken place in our history.[1]

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[1] Browning's *Diary*, I. 563.

During the all-day bombardment of Sumter the heads of the executive departments and others high in authority spent many hours in the White House in informal consultation. All Washington knew on Sunday morning that Anderson would haul down his flag at noon. Down at Montgomery, Alabama, Leroy P. Walker, the Confederate Secretary of War, was boasting that "the flag which now flaunts the breeze here will float over the dome of the old Capitol at Washington before the first of May."[2] Before the week was out that huge building

[1] *Complete Works,* VII. 190.

[2] John B. McMaster, *A History of the People of the United States during Lincoln's Administration* (New York and London, 1927), 44, quoting from the *National Intelligencer,* May 9, 1861.

with the unfinished dome was barricaded with iron plates and barrels of cement. The Federal capital was a Southern city. No actual organization of what today would be called a fifth column had taken place, but the materials were abundant for something of the kind. The following year, in the message before alluded to, the President felt justified in saying that "the several departments of the government at that time contained so large a number of disloyal persons that it would have been impossible to provide safely through official agents only for the performance" of certain duties he was assigning elsewhere. Various military men assisted on Evacuation Sunday in the formulation of the measures which Lincoln and his Cabinet agreed upon. The first proclamation carried the date of Monday, the fifteenth, but it was written on that Sunday. The President himself drafted it. The paper was "copied on the spot by his secretary, was concurred in by his Cabinet, signed, and sent to the State Department to be sealed, filed, and copied for publication in the next morning's newspapers."[1]

In issuing this call for troops the President was well within his rights. He carefully indicated that he contemplated no movement against any foreign foe nor any independent state, but that his purpose was to remove the existing obstructions to the execution of the laws. The Constitution gave to the Congress the power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions." In Washington's time Congress had passed the Militia Act of 1795 providing for these purposes. Lincoln's proclamation stated that the execution of the laws "for some time" had been "obstructed" in seven states which he named "by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law." This statute was cited by the Secretary of War when on Monday he requisitioned the quotas allotted to the several states. No other law existed which the President might have invoked, and this Act limited the service of the militia to three months in any one year, and provided further that they could be used only for "thirty days after the commencement of the next session of Congress." Also the proclamation indicated that the first service assigned to the troops "will probably be to repossess the forts, places, and property which have been seized from the Union. . . ." This call represented the consensus as to the number it would be wise to demand at that juncture, not any opinion as to how many might be required to quell the "insurrection."[1] While at that time all male citizens between sixteen and forty-five years of age were subject to militia service, the law had become practically a dead letter, and the aggregate of the militia forces of all the states fell far below the statutory provision.

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[1] Nicolay and Hay, *Abraham Lincoln*, IV. 77.

The Cabinet was divided, however, over the proclamation of a blockade. The Secretary of the Navy, in his discussion of the relations between Lincoln and Seward, published in 1874, related that "a majority of the Cabinet . . . preferred an embargo or suspension of intercourse . . . to a blockade, and maintained it to be the true policy of the government to close the ports and interdict commerce with the insurgents. . . ." The Secretary of State, Welles continued, preferred the blockade because "the questions of blockade were well settled and clearly defined, the authority and precedents explicit. . . ." The Secretary of War and the Secretary of the Interior gave the question only slight consideration, and, as it pertained to foreign intercourse, they "deferred to the Secretary of State, who had given it special attention, and also cited authorities justifying an exclusion of commerce from national ports in the equitable form of blockade." Welles himself seems to have favored an embargo, but, when Seward asserted that a blockade would be less likely to involve the government in trouble with foreign powers, the President settled the matter by saying "we could not afford to have two wars on our hands at once. . . ."[2]

This proclamation, dated Friday, April 19, was worded warily. On account of "an insurrection" the "laws of the United States for the collection of the revenue" could not be enforced in the seven states named. A "combination of persons engaged in such insurrection" proposed to "grant pretended letters of marque to authorize . . . assaults" on the lawful commerce of the United States. Therefore, "a competent force" would be "posted so as to prevent entrance and exit of vessels" from the ports within those states. Any violation of this blockade would subject the offending vessel and her cargo to capture and prize proceedings. Also, "any person, under the pretended authority" of the states named, "or under any other pretense," molesting a United States vessel or the persons and cargo on board would be "held amenable to the laws . . . for the prevention and punishment of piracy."[1] Eight days later a supplementary proclamation extended the blockade to the ports of Virginia and North Carolina.

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[1] *Complete Works*, VI. 246–248; Frederick W. Seward, *Seward at Washington as Senator and Secretary of State* (2 volumes, New York, 1891), I. 544.

[2] Gideon Welles, *Lincoln and Seward* (New York, 1874), 122–124; Frederic Bancroft, *The Life of William H. Seward* (2 volumes, New York and London, 1900), II. 174–175.

Such a proclamation brought up several vital legal questions. Was the United States confronted with an "insurrection" or a war? Secretary Seward instructed America's representative abroad to interpret the measure as a means of suppressing domestic disorders. Jefferson Davis promptly declared that the proclamation was tantamount to a recognition of belligerent rights and the independence of the Confederacy. The blockade in fact was denounced in many high places as an arbitrary defiance of international law. The force of the contention that blockades apply only to foreign foes and not to domestic quarrels could not easily be denied. A blockade is a war measure, but the Administration adhered to the theory that the Confederates were not "belligerents." In his report of July 4 to Congress the Secretary of the Navy said that "in performing this *domestic municipal duty*, the property and interests of foreigners became to some extent involved in our home questions, and, with a view of extending to them every comity that the circumstances would justify, the rules of blockade were adopted, and, as far as practicable, made applicable to the cases that occurred under this embargo or non-intercourse of the insurgent States."[2]

Thus the Federal Government ingeniously defended itself against its assailants at home and abroad. There were plenty of them. In the House of Lords it was said that the North "must not be allowed to think they could so strain the law of nations as to convert privateering into piracy." Many public men in the North were very uneasy over the inconsistency of an official attitude which would be construed as making the South a domestic enemy and a foreign nation at the same time. Moreover, the United States had always maintained against Great Britain that a blockade to be legal must be effective; whereas everybody knew that for a long time the Union could conduct only a paper blockade. The country did not possess what the President described as "a competent force" for the purposes avowed. An interesting phase of the situation is that the United States was reversing the principles for which it had fought in the early years of the Republic and had advocated throughout its existence. England at last had accepted in the main that doctrine of neutral rights on the high seas by signing the Declaration of Paris of 1856; while the United States, strangely enough, had not become a signatory. Washington was putting into effect that same kind of paper blockade which London had used against America, and a few years before had agreed to abandon. British politicians chortled over this remarkable right-about. There were numerous exasperating incidents in the war years, due in the main to our contentions as to the ultimate destination of contraband goods and the practice of our cruisers of hovering outside such British harbors as Nassau and the Bermudas to intercept British ships presumably carrying contraband cargoes.

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[1] *Complete Works*, VI. 284–250.

[2] *Congressional Globe*, 37th Congress, 1st Session, Appendix, 8. The italics are mine.

Not until 1863 did the general public realize how great was the risk the government had assumed by undertaking to put down an "insurrection" by the application of measures appropriate for the waging of a foreign war. For twelve days in February of that year ten eminent lawyers argued in our highest court what are known as the Prize Cases. These cases were brought by persons whose ships or goods had been seized in the enforcement of the blockade. An historian of the Supreme Court has pointed out that these were the first cases of the Civil War to be decided by that tribunal, and that they "were far more momentous in the issue involved than any other war case; and their final determination favorable to the Government's contention was almost a necessary factor in the suppression of the war."[1]

In May and June, 1861, several ships had been captured by Union cruisers and condemned by the courts as prizes of war, among them the *Amy Warwick*, which had been brought into the port of Boston. The State Department contended there was no war, and at the same time the Administration was defending the use of a right which international law restricted to belligerents. Among the major questions considered by the court were these: Was the United States in fact at war? If so, when did the war begin? The power to declare war is vested in the Congress. The court agreed without dissent that the

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[1] Charles Warren, *The Supreme Court in United States History* (3 volumes, Boston, 1922), III. 103.

Congress in mid-July of the special session had recognized the fact of war. From that time on there could be no question of the President's lawful exercise of the war power. The court divided as to the date on which the war did actually start. The majority held that the dates of the President's blockade proclamations, April 19 and April 27, determined the beginning of war as to the states named in those respective documents. The court further ruled that "it is not necessary to constitute war that both parties shall be acknowledged as independent nations or sovereign States. A war may exist where one of the belligerents claims sovereign rights as against the other . . . and whether the hostile party be a foreign invader, or States organized in rebellion, it is nonetheless a war, although the declaration of it be unilateral." What the court said practically recognized the soundness of the argument in a brief resolution introduced in the House by John J. Crittenden that "the present deplorable civil war has been forced upon the country by the disunionists of the Southern States." The Federal Government had accepted war as a fact. The blockade was lawful. The President had not exceeded his authority.[1]

It was a near thing, however. The Court divided five to four. The famous argument of Richard Henry Dana (1815–1882) is well remembered and is believed to have clinched the case for the government. In an intimate letter to Charles Francis Adams, dated March 9, 1863, he had this to say:

> The government is carrying on a war. It is exerting all the powers of war. Yet the claimants of the captured vessels not only seek to save their vessels by denying that they are liable to capture, but deny the right of the government to exercise war powers,—deny that this can be, in point of law, a war. So the judiciary is actually, after a war of twenty-three months' duration, to decide whether the government has the legal capacity to exert these war powers. This is the result of a written Constitution, as a supreme law, under which there is no sovereign power, but only coördinate departments.
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> Contemplate, my dear sir, the possibility of a Supreme Court deciding that this blockade is illegal! What a position it would put us in before the world whose commerce we have been illegally prohibiting, whom we have unlawfully subjected to a cotton famine and domestic dangers and distress for two years! It would end the war, and where it would leave us with neutral powers it is fearful to contemplate! Yet such an event is legally possible,—I do not think it probable, hardly possible, in fact. But last year I think there was danger of such a result, when the blockade was new, and before the three new judges were appoint-

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[1] 2 Black 635; *Congressional Globe,* 37th Congress, 1st Session, 209.

ed. The bare contemplation of such a possibility makes us pause in our boastful assertion that our written Constitution is clearly the best adapted to all exigencies, the last, best gift to man.[1]

For more than a year and a half the nation's highest court had functioned without a full membership of nine judges, and for eight months in 1861 there were only six. Peter V. Daniel, of Virginia, a Van Buren appointee, died on the last day of May, 1860; John McLean, of Ohio, whom Andrew Jackson had placed on the bench, died on April 4, 1861; and John A. Campbell, whom Franklin Pierce had appointed, followed his state of Alabama out of the Union in that same feverish month. The new judges to whom Dana referred were Noah H. Swayne, of Ohio, whom Lincoln appointed in January, 1862; Samuel F. Miller, of Iowa, the first member from west of the Mississippi River, appointed in July; and David Davis, the President's old Illinois friend, whose name he sent to the Senate on the first day of December in that year. All the other members were Democrats. The only reason ever formally avowed by the President for allowing the court to go on for so long a time without a full bench is found in the annual message to Congress on December 3, 1861:

> Two of the outgoing judges resided within the States now overrun by revolt; so that if successors were appointed in the same localities they could not now serve upon their circuits; and many of the most competent men there probably would not take the personal hazard of accepting to serve, even here, upon the supreme bench. I have been unwilling to throw all the appointments northward, thus disabling myself from doing justice to the South on the return of peace; although I may remark that to transfer to the North one which has heretofore been in the South, would not, with reference to territory and population, be unjust.[2]

This simple statement contains one indication of the magnanimity of Lincoln.

It was thirteen days after the ending of the arguments that the court rendered its decision. Aside from the fact that the government won, the most striking feature of the decision is that the scales were tipped for the North by a justice who came from the deep South. James Moore Wayne had been a member of the Georgia legislature, mayor of Savannah, a judge of the Supreme Court of his state, and for three terms a member of the Congress when Andrew Jackson nominated him for the highest tribunal. He had taken the Union side in the war and remained on the court in spite of the secession of his state. Together with the three Lincoln appointees, he subscribed to the opinion prepared by Justice Robert C. Grier, of Pennsylvania. Thus it happened that four Northern men and one from the South comprised the majority. The quartet of dissenters included Justices John Catron, of Tennessee, Nathan Clifford, of Maine, and Samuel Nelson, of New York, with Chief Justice Taney.

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[1] Charles Francis Adams, *Richard Henry Dana* (2 volumes, Boston and New York, 1890), II. 267.

[2] *Complete Works*, VII. 38.

All over the North informed observers hailed this verdict almost with a gasp of relief. The question of the extent to which the President had been influenced by political considerations in selecting his nominees for the court has been discussed without conclusive results. He hesitated a long time before choosing David Davis, the workings of whose mind he well understood, in spite of all Davis had done for him at the Chicago convention. Tremendous pressure was brought to bear on him in behalf of all three men. In this connection the frank statement he made to George S. Boutwell, when the time came for the choice of a successor to Taney, should be held in mind: "we wish for a Chief Justice who will sustain what has been done in regard to emancipation and the legal tenders." But he added: "We cannot ask a man what he will do, and if we should, and he should answer us, we should despise him for it."[1]

Throughout the week of the fall of Fort Sumter the difficulties of the Federal Government rapidly multiplied. On Wednesday, April 17, the great state of Virginia seceded. The governors of Kentucky, Tennessee, and Missouri were swift to notify the War Department that their states would furnish no troops for the subjection of the South. On Thursday the United States Army abandoned the arsenal at Harpers Ferry. On Friday the Sixth Massachusetts fought its way through Baltimore. On Saturday the Missourians seized the arsenal in their state, and on that day also federal officers burned the Gosport Navy Yard and scuttled the ships there. For almost a week after the Baltimore riot the capital was isolated. There were no mails. The railroads and telegraph wires had been cut. Maryland secessionists seemed completely to control that state. They stopped trains, burned bridges, and mustered state troops. For days the government could communicate with the North only by private couriers. The city of Washington was practically in a state of siege. We know now that the capital was in no immediate danger, but the populace then fancied that at any hour some battalion of Confederate fighting men might come trooping into the city.

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[1] George S. Boutwell, *Reminiscences of Sixty Years in Public Affairs* (2 volumes, New York, 1902), II. 29.

It was amidst these conditions that the President convened his Cabinet in the Navy Building on the third Sunday of April. With the full agreement of his constitutional advisers he issued a series of orders which had to be transmitted by messengers over a circuitous inland route, across Pennsylvania and Ohio and over the northern lakes, to the seaboard cities. In his special message to Congress of May 26, 1862, he stated the facts in detail, how "then and there" he ordered the commandants of the Boston, Philadelphia, and New York Navy Yards each to buy or charter and arm five steamships for public defense, and directed two Navy officers each to acquire and arm two ships to put the capital into communication by water with the outside world. These Navy men were instructed to "take the advice and obtain the aid and effiicent services" for these purposes of Governor Edwin D. Morgan, or, in his absence, George D. Morgan, and William M. Evarts, Richard M. Blatchford, and Moses H. Grinnell, who were empowered to act for the Navy Department "in that crisis, in matters pertaining to the forwarding of troops and supplies for the public defense." The governor and Alexander Cummings of New York City were directed to arrange for the transportation of troops and munitions of war in aid of the United States Army until ordinary mail and telegraph communications should be established between the capital and the metropolis.

The President further directed the Secretary of the Treasury to advance $2,000,000 to John A. Dix, George Opdyke, and Richard M. Blatchford of New York "to be used by them in meeting such requisitions as should be directly consequent upon the military and naval measures necessary for the defense and support of the government. . . ." None of these emergency commissioners was to furnish any security or receive any compensation. Lincoln knew perfectly well that the Constitution prohibits the drawing of money from the Treasury except "in consequence of appropriations made by law." In his message he said frankly that public funds were thus "confided without authority of law to unofficial persons." As it turned out, Governor Morgan could not serve, and his relative and business partner, George D. Morgan, became his substitute. He expended only a small sum, and thereupon Cummings practically took charge of the disbursements from the special fund. This presidential message was intended for the defense of Simon Cameron, who had been succeeded as Secretary of War by Edwin M. Stanton. The House of Representatives proposed to censure the former secretary as having invested his old crony, Cummings, with authority to buy supplies without restriction, charging that, without giving any guarantee for the faithful performance of his duties, Cummings had "adopted a policy highly injurious to the public service. . . ." The President explained that either the governor of New York or Cummings had been "authorized to act in case of inability to consult with the other." He also advised the House that he was "not aware that a dollar of the public funds . . . was either lost or wasted," and further that if the Secretary of War were censured, the President and all the other members of the Cabinet must be held "at least equally responsible."[1] Cameron was grateful for this generous intercession, and in 1864, when Lincoln's retention for a second term was in the balance, he devoted himself to the support of the Administration. It is true, nevertheless, that Cameron did little to expedite the forwarding of troops and a good deal in the way of making contracts at highly inflated prices.

The Cabinet sustained Lincoln in his decision to take advantage of the swelling tides of enthusiasm which were sweeping over the North. On May 3 he issued a proclamation calling for 42,000 volunteers to serve in the infantry and the cavalry for three years; he directed an increase of more than 22,000 men and officers for the regular army, and an addition of 18,000 seamen to serve from one to three years in the United States Navy. This call for volunteers and these directions for the enlargement of the Army and Navy, he was careful to add, would be "submitted to Congress as soon as assembled."[2]

But it was the order issued on the second Saturday following the evacuation of the Charleston fort which induced a vast amount of discussion, much of which descended to the level of abuse and vituperation. The President had explained to General Scott, on Thursday,

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[1] *Complete Works*, VII. 189–194. [2] *Ibid.*, VI. 263–265.

April 25, that the legislature of Maryland, which was to meet next day, "not improbably will take action to arm the people of that State against the United States." Conceding their legal right to assemble, he directed the commanding general "to watch and wait their action, which, if it shall be to arm their people against the United States, he is to adopt the most prompt and efficient means to counteract, even, if necessary, to the bombardment of their cities, and, in the extremest necessity, the suspension of the writ of *habeas corpus*."[1]

Not without justification was the President's concern. There was a sharp division of sentiment in the Maryland legislature and throughout the state over the question of secession. Stern pressure was brought to bear on Governor Thomas H. Hicks, in the months following Lincoln's election, to induce him to call a special session in which the position of the state should be defined. He resisted these demands. Mass meetings were held in many places, in most of which he was denounced. In an eloquent public address he announced that he could find "nothing in the present causes of complaint to justify immediate secession," and referred to the schemes of the secessionists to convene the legislature for that definite purpose. "The whole plan of operations," Governor Hicks continued, "in the event of the assembling of the Legislature, is . . . already marked out, the list of ambassadors who are to visit the other States is agreed on, and the resolutions which they hope will be passed by the Legislature, fully committing this State to secession, are said to be already prepared." And, as probably having only a few more years to live, the governor expressed the fervent hope to end his days a citizen of "this glorious Union"; but if the Union must fall, then he wanted the consolation of having done nothing to assist "in hastening its disruption."[2]

The governor's course during that month of April has been variously interpreted. Instead of furnishing the quota of troops requisitioned by the Secretary of War, he put out a proclamation affirming his purpose to "preserve the peace and maintain inviolate the honor and integrity of Maryland," assuring the people that no troops would be sent out of the state "unless it may be for the defence of the National Capital." Adhering to the doctrine of paramount state sovereignty, the governor protested in writing against the landing of troops from the North in his state. Maryland in mid-April became in effect hostile territory. The life of Governor Hicks was threatened. As it happened, the seats of the Baltimore members in the lower house of the legislature were vacant. At a special election on April 24 to fill these vacancies, the Unionists having decided to refrain from voting and to nominate no candidates, the States' Rights nominees swept the field. A call for the legislature to meet on its own initiative having been issued, the governor, knowing, as he said later, that the time had come for him to act, summoned the legislature to assemble on April 26 in the regular way, but not at Baltimore, in the midst of the secession tumult, as the non-Unionists proposed, nor at Annapolis, the state capital, but at Frederick, surrounded by a loyal population. This was the meeting to which Lincoln referred in his order to General Scott.[1]

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[1] *Ibid.*, VI. 255, 256.

[2] *Annual Cyclopædia, 1861*, 443.

The President's action must be considered with this background in view. If Maryland should undertake to sever connection with the Union, the District of Columbia would become a little island surrounded by secession. The only direct railroad connection between Washington and the North was over the Washington branch of the Baltimore and Ohio. For transit through the principal city of Maryland the cars were hauled by horses through the streets from one railroad station to another. The forty-mile trip from the capital through Annapolis to Baltimore could be made only over that one single-track line. Westward from Baltimore the main line ran across Maryland, through Harpers Ferry and along the banks of the Potomac to Grafton, where it divided, with one branch running to the Ohio River at Marietta, and the other northwest to Wheeling.

The main stem of the famous road ran all the way just below the Mason and Dixon Line, and for the most of its length "at least the majority of the rank and file of the road were avowed Southern sympathizers." No other railroad in America was in so difficult a position. When the plans were first under consideration for the journey of Abraham Lincoln from Illinois to Washington, it was reported that he would travel by way of Wheeling and the Baltimore and Ohio main line. The change to the much longer and out-of-the-way northern route, making a long diagonal from Cincinnati to Buffalo, then crossing New York and turning southward at Albany, is believed to have been "dictated by threats of violence by bitter-enders in both

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[1] *Ibid.*, 444–446.

Virginia and Maryland." However that may have been, during April the president of the road, John W. Garrett, was receiving scores of anonymous menacing letters. Every bridge of the main line and the branch would be destroyed if he "carried another soldier over either line" after April 20, and the "Sec." of the "Committee Fifteen Hundred Western Maryland Men" informed him that his road would be made "*one continuous ruin*" if "all Republicans" were not at once removed from their positions between Monocacy and Harpers Ferry. As a matter of fact, during the war years "the road changed hands many times, the Confederates destroying and the Union troops rebuilding bridges, tracks, and structures of every kind."[1]

The simple necessity of keeping open the way to the North was obvious in that exciting month of April. The President decided to take no chances. Two days after the original order to General Scott he sent him the order for disregarding the writ of *habeas corpus*. "If at any point on or in the vicinity of any military line which is now or which shall be used between the city of Philadelphia and the city of Washington," he said, "you find resistance which renders it necessary to suspend the writ of *habeas corpus* for the public safety, you personally, or through the officer in command at the point at which resistance occurs, are authorized to suspend that writ."[2]

The city of Frederick, where the Maryland legislature was to meet, was not on the line between Washington and Philadelphia, but on the main stem west of Baltimore. It was included in the order by virtue of the phrase "at any point on or in the vicinity of." By proclamation of May 10 the President directed the commander of the forces on the Florida coast to suspend the writ on the islands of Key West, the Tortugas, and Santa Rosa, and on July 2, just before Congress came in, he authorized General Scott, if the public safety so required, to suspend the writ "at any point on or in the vicinity of any military line" between New York and Washington.[3]

Reams have been written about various aspects of this executive act, and especially about the assumption by the President of the power to suspend the privilege of the great writ. The most widely known incident that arose therefrom was the denial of the guaranteed right to a citizen of Maryland, in obedience to the order of the Commander-in-Chief of the United States Army, but in spite of an order by the Chief Justice of the United States Supreme Court.

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[1] Edward Hungerford, *The Story of the Baltimore and Ohio Railroad, 1827–1927* (2 volumes, New York and London, 1928), I. 369; Festus P. Summers, *The Baltimore and Ohio in the Civil War* (New York, [1939]), 47, 55; William E. Baringer, *A House Dividing* (The Abraham Lincoln Association, Springfield, Illinois, 1945), 189, 263 ff.; *New York Herald*, January 28, 1861.

[2] *Complete Works*, VI. 258.

[3] *Ibid.*, 271, 295–296.

One John Merryman, after midnight on Friday, May 25, 1861, was arrested at his home in Baltimore County by an armed force and removed to Fort McHenry. In his petition that a writ of *habeas corpus* be issued he said that the "pretended ground" for his detention without any process of law or the production of any warrant was that he was organizing a rebel military force. The Chief Justice, acting as circuit judge, issued a writ on Sunday, commanding General Cadwalader, the commandant at the fort, to appear in the United States courtroom in Baltimore with Merryman on the following day. The general sent instead a statement, couched in respectful terms, that Merryman was charged with several acts of treason and that his authority, derived from the President, was "a high and delicate trust"; and he asked Taney to postpone action until he could receive further instructions from the President. The Chief Justice then ordered an attachment to issue against General Cadwalader for contempt, returnable on the following day. The room was crowded on that Tuesday at the hour named. The United States Marshal returned with only a paper stating that he had not been allowed to enter the fort. He had sent in his name, and the messenger returned with the reply that "there was no answer" to his card. Taney read a brief statement and remarked that he could not summon any adequate force to compel obedience to his order; he therefore would write his reasons and report them to the President, calling on him to perform "his constitutional duty to enforce . . . the process of this Court."[1]

The Chief Justice duly filed his opinion in the office of the Circuit Court and sent a copy to the President. Lincoln ordered no return either to the writ of *habeas corpus* or to the writ of attachment, nor did he order the release of Merryman. He did refer the question of his powers to his Attorney General, who sent him a formal opinion on July 5 to the effect that he had the constitutional power to make military arrests and to suspend the privilege of the writ in time of great public danger. The Chief Justice in his opinion depicted the President as not only claiming for himself the right of suspension but the right to "delegate that discretionary power to a military officer and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him." The Chief Justice "had supposed" that there could be no such suspension except by act of Congress. The suspension clause in the Constitution is in the article devoted to legislative powers. In the article on the executive power "there is not a word that can furnish the slightest ground to justify the exercise of the power" of suspension. The Bill of Rights guarantees the right of trial by jury. The President has only the power and duty to "take care that the laws be faithfully executed." He cannot take upon himself the legislative power of suspension nor the judicial power by arresting and imprisoning a person without due process of law. The Merryman documents showed that the judicial authorities were being thrust aside and a military government substituted. And at the end the venerable jurist said that if the military authority can thus usurp power, "the people of the United States are no longer living under a government of laws, but every citizen holds life, liberty and property at the will and pleasure of the army officer in whose military district he may happen to be found."[1]

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[1] *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (hereafter cited as *Official Records*), Series II, I. 574–576; *Annual Cyclopædia, 1861*, 354–356.

In his message to the special session of Congress President Lincoln stated his own position.

> The whole of the laws which were required to be faithfully executed were being resisted and failing of execution in nearly one third of the States. Must they be allowed to finally fail of execution, even had it been perfectly clear that by the use of the means necessary to their execution some single law, made in such extreme tenderness of the citizen's liberty that, practically, it relieves more of the guilty than of the innocent, should to a very limited extent be violated? To state the question more directly, are all the laws but one to go unexecuted, and the government itself go to pieces lest that one be violated? . . . the Constitution itself is silent as to which or who is to exercise the power [of suspension]; and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together, the very assembling of which might be prevented, as was intended in this case, by the rebellion.[2]

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[1] *Official Records,* Series II, I. 577-585.

[2] *Complete Works,* VI. 309–310.

Of all the executive orders which followed the fall of Fort Sumter the suspension of *habeas corpus* came closest to the lives of the people. Evidence of the extreme reluctance with which the President ordered the suspension of this precious right exists in the records. In their official biography of the President his secretaries thought it worth while to bring their readers "into direct contact with the living workings of Lincoln's mind" by pointing out his extensive revisions of that portion of the message dealing with this matter. Lincoln usually thought well before writing. Often the first were the final drafts of his papers. The numerous small alterations which he made in his own hand in the first draft of this passage before sending the document to Congress have been held to indicate a mental struggle on his part at the time he made his decision. He intended the message to serve both as an official report to the national legislature and as an intimate presentation of his reasoned conclusion to the American people.[1]

The fury of the discussion which followed this order did not abate for several months. Demagogues promptly seized the opportunity thus offered in their play for partisan advantage. The radicals and most of the abolitionists applauded the President. Sticklers for States' Rights protested vehemently. Strict constructionists were gravely concerned. Had Lincoln involved the country in a "Presidential war" by the usurpation of powers that did not belong to him? John C. Breckinridge, lately Vice-President and now a senator from Kentucky, charged him with having abolished the state of Maryland and established instead a military despotism. The fires burned out in time, but the debate continued throughout Lincoln's life. Even after Congress by the Act of March 3, 1863, had authorized him to suspend the privilege "whenever in his judgment the public safety may require it," he was attacked by the opposition party for using the authority. Twice he felt constrained to reply, once in his long letter to Erastus Corning and others at Albany, and again in a letter to a group of Ohio Democrats who had sent him a copy of the resolutions adopted by their state convention.

Lincoln did not falter in the course he had chosen. He had reached the conviction that, with the Union in peril of dismemberment, he possessed the constitutional right to use the autocratic powers of a military commander-in-chief, and that his duty required him to do so. The authority which he asserted was perverted and abused, it is true. Members of the Cabinet, Army and Navy officers, numerous state and Federal officials seized and imprisoned hundreds of persons on slight pretexts and flimsy charges. What were called in the South the "Bastilles" of the North became crowded with men, some of whom were ignorant of the charges against them. There probably was little intentional cruelty. Not many jailers, if any, were brutal. The motive which brought about these imprisonments in the majority of instances was the prevention of real or supposed dangers.

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[1] Nicolay and Hay, *Abraham Lincoln*, IV. 176–178; James G. Randall, *Constitutional Problems under Lincoln* (New York and London, 1926), 121–123.

A "jail delivery" in time plainly became necessary. Secretary Stanton, by direction of the President, ordered the release of all "political prisoners or state prisoners" on condition that they subscribe "to a parole engaging them to render no aid or comfort to the enemies in hostility to the United States." To all such persons "an amnesty for any past offenses of treason or disloyalty" was to be granted, and thereafter "extraordinary arrests" were to be made by the military authorities alone.[1] A further executive order issued by Stanton authorized the appointment of a special commission of two persons, "one of military rank and the other in civil life," to examine the cases of such prisoners still in custody and decide on their disposition. They were to do their work "*ex parte* and in a summary manner," and to report to the War Department.[2] Within a few months this commission, composed of General John A. Dix and Judge Edwards Pierrepont, procured a large number of releases.

The action of the President and the opinion of the Chief Justice in the Merryman case gave rise to what might be called a pamphleteering campaign. The first critical review of Taney's pronouncement came from the pen of Joel Parker, Royall Professor of Law at Harvard, and was published in the *North American Review* for October, 1861. In December, Horace Binney, of Philadelphia, who for many years had been the leader of the Pennsylvania bar, issued the first of three pamphlets in which he defended the position of the President. A score of others entered the arena, among them Theophilus Parsons, also of the Harvard Law School, who could "discern no limits to the nation's right of self-preservation," Benjamin Robbins Curtis, of Massachusetts, Reverdy Johnson, of Maryland, and Charles J. In-

[1] *Official Records*, Series II, II. 221–223.

[2] *Ibid.*, 249.

gersoll, of Philadelphia. Meantime, Mr. Binney put out his second pamphlet in April, 1862, and the final one followed in March, 1865. The layman who reads these arguments with care is likely to feel that he has had something of a course in constitutional law. Long before the end of the fray public excitement had subsided. The majority tended to sustain the President as having done what had to be done in a critical time in behalf of the safety of the nation.

But in 1866 the Supreme Court rendered a decision which was viciously attacked and vociferously applauded as involving some of the issues which had played a great part in the *habeas corpus* controversy. A citizen of Indiana named Milligan was charged with conspiring against the government and was tried by military commission in October, 1864. He was not a citizen of a state in rebellion nor had he been in the military or naval service. Found guilty, he was sentenced to be hanged on May 19, 1865. He petitioned for a writ of *habeas corpus*, the Cicruit Court disagreed, and the question of law came to the Supreme Court. This tribunal unanimously agreed, in an opinion written by David Davis, that the controlling question was whether the commission had jurisdiction to try the case and sentence Milligan. The answer was "No," that under the terms of the Act of March 3, 1863, the commission had no jurisdiction in that particular case. The opinion contained the famous statement that "martial law can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction." Also it was held that Congress had no power to provide for trial of citizens by military commission, except in localities of actual war—not simply of threatened war—and when there was no access to the courts.

On this point a minority of four justices filed a dissenting opinion prepared by Chief Justice Chase. They declared that in a time of public danger the Congress did have power to provide for trial by military tribunals of citizens charged with conspiracy against the United States. Contrary to a widely prevalent assumption, the Court did not express any judgment as to where the power is lodged by the Constitution for the suspension of the privilege of *habeas corpus*. Justice Davis did say, with reference to the provisions in the Constitution for the protection of human rights and liberties, that "not one of these safeguards can the President, or Congress, or the Judiciary disturb, except the one concerning the writ of *habeas corpus*." But he said nothing as to which of these or if all of these possessed that power of disturbance. I am informed that the Supreme Court never has definitely pronounced an opinion on the issue so hotly debated in the Civil War time as to the suspension power of the President. In any case it is not open to doubt that any government, whether liberal or conservative, in a time of extreme peril, with an enemy landing on our shores, or a powerful revolutionary body at the gates of the capital, will do what Lincoln did—and more than he did—before it will submit to destruction.[1]

Jefferson Davis convened the Confederate Congress in special session on April 29 on the ground, as he said in his message, that Lincoln's proclamation of April 15, calling for an army of 75,000 "whose *first* service was to be to capture our forts," was "a plain declaration of war," issued by a President who was "usurping a power granted exclusively to the Congress" of the United States.[2] For days before that message was read at Montgomery the newspapers and public men of the South had been pelting the new man in Washington with unending volleys of abusive epithets. In March he had been a "Yankee barkeeper," whose speeches on the journey to the capital had been "condensed lumps of imbecility, buffoonery, and vulgar malignity."[3] Now even Alexander H. Stephens was calling him a tyrant.[4] The *Daily Delta* (April 18) in New Orleans berated Lincoln and Seward for their "low cunning . . . duplicity and treachery," and the *New Orleans Bee* (May 1) described his "brief career" as a "monstrous mass of perfidy and falsehood." The *Charleston Mercury* (April 23) was moved almost to tears to see "the soldiery of New England carrying out the decrees of that miserable despot . . . who would doom the people from the capitol at Washington." A St. Louis paper saw "American freedom . . . standing trembling before the Presidential throne."[5] Even in the North, while the people were rallying for the defense of the Union, there were editors who lagged but little behind the fire-eaters of the South in the castigation of the Administration. A paper in Indiana, which had supported Douglas in the campaign of 1860, considered Lincoln to be only "an imbecile old ignoramus" and "an instrument in the hands of bad men to destroy the Union."[1] A Pennsylvania daily as early as February had seen him as "making the most puerile and disgusting displays of mountebankism that were ever given by any harlequin who ever strutted upon a stage or gambolled in a circus ring to the delight of a gaping crowd at 25 cents a head."[2]

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[1] *Ex parte* Milligan, 71 U.S. 2.

[2] *Jefferson Davis, Constitutionalist, His Letters, Papers, and Speeches,* Roland Dunbar, Editor, (10 volumes, Jackson, Mississippi, 1923), v. 78.

[3] *Richmond Examiner,* March 4, 1861.

[4] *Richmond Despatch,* April 22, 1861.

[5] *Daily Missouri Republican,* April 19, 1861.

After a few weeks most of the people of the North accepted without resentment the fact, which the President himself admitted, that in some ways he had exceeded his constitutional powers, while in the South his assertion of executive authority was condemned as the policy of an abolitionist dictator. A minority in the North, which in the ensuing months became increasingly vocal, insisted that the letter of the Constitution must rule the conduct of the President, no matter how great the extremity with which he had to deal. Lincoln looked forward to the special session of the Congress for the validation of his acts, but there were weeks of waiting, with both sections girding for war. During the twelve weeks that intervened between Anderson's evacuation of Sumter and the opening of the special session of the Congress Abraham Lincoln acted upon his own interpretation of the war powers of the commander-in-chief of the Army and Navy. When the Congress did assemble, the country was at war. There had been no declaration. It is not strange that there was much talk about "the Presidential war."

The proclamation of April 15 calling for 75,000 militia ended with the summons for Congress to meet on July 4. Why did Lincoln deliberately postpone that session for nearly three months? Without doubt the postponement represented the concurrent judgment of the Cabinet. It was a prodigious assumption of responsibility. The man from Illinois provided the country with a demonstration of pure "nerve" almost without equal in history.

There was no physical obstacle in the way of an earlier session. The last preceding special session had been called by Franklin Pierce in 1856. Congress having adjourned while the two Houses were deadlocked over an important appropriation bill, the President, as was expected, immediately summoned an extraordinary session to meet three days later. In that short interval there was no general dispersion of legislators. For a pertinent parallel to the situation in 1861 we must go back to the time of President Harrison. He issued his call on March 17, 1841, for Congress to meet on May 31—an interval of seventy-five days. The Union then comprised twenty-six states. The era of railroad building had hardly begun. In 1861 the Union of thirty-four states included such distant ones as Wisconsin and Minnesota, Florida and Texas, Iowa, Oregon, and California. There were railroads by that time in all the states with the exception of Minnesota and Texas and the states on the Pacific coast. Travel by steamboat was extensive. Except for the states beyond the Rocky Mountains, a full Congress could have convened within two weeks of the call.

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[1] *Salem Washington Democrat,* April 18, 1861.

[2] *Harrisburg Daily Patriot and Union,* February 21, 1861.

For the long postponement there were two reasons. Lincoln wanted action with a minimum of discussion. He did not, as is still asserted by some persons, undertake to provide the Sumter garrison with food with the intention of inciting the bombardment which precipitated the war. He did no more than could have been done, short of war, to show that Fort Sumter belonged to the United States, and not to South Carolina. He carefully sent word to the governor of South Carolina that he was sending a ship laden with provisions and provisions only. The South took that for an act of war. We may wonder what would have happened in Washington if the Congress had been in session at the time. As President-elect, Lincoln must have thought over the words used by James Buchanan in his message to the Congress that met for its final session on December 3, 1860. Buchanan declared that the Union "was intended to be perpetual, and not to be annulled at the pleasure of any one of the contracting parties." He affirmed that "secession is neither more nor less than revolution." He raised the question as to what, in any case of secession, would be the "responsibility and true position of the Executive," bound as he would be "by solemn oath, before God and the Country, 'to take care that the laws be faithfully executed'. . . ." And he continued:

> Congress alone has power to decide whether the present laws can or cannot be amended so as to carry out more effectually the objects of the Constitution. . . .
>
> Apart from the execution of the laws, so far as this may be practicable, the Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina. He has been invested with no such discretion. He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State. This would be to invest a mere executive officer with the power of recognizing the

> dissolution of the confederacy among our thirty-three sovereign States.[1] . . . It is therefore my duty to submit to Congress the whole question in all its bearings.[2]

In the debates and parliamentary wrangles of the short session of Congress which ended on the day before his inauguration Lincoln found little to encourage the idea that the national legislature would swing swiftly into action even in the face of impending war. One by one the senators from the seceded states made their farewell speeches—among them Robert Toombs on January 7, Jefferson Davis and Clement C. Clay, Jr., on January 21, John Slidell and Judah P. Benjamin on February 4. There were many dramatic scenes, polemical and pitiable, in the Congress during that secession winter. Nor did the Senate, in its special session of twenty-four days which began on the day Lincoln took office, do much except to continue the great debate on secession and slavery. What he saw and heard must have convinced Lincoln that he must go his own way.

By the middle of April, 1861, not one hour could be wasted safely. The President and his Cabinet did more in days than the Congress would have done in weeks. The Cabinet included several men who had had long and intimate experience with the ways of both Houses, especially Seward. In his son's careful account of that time we are told that on Evacuation Sunday numerous measures were considered, but he added that "as to calling Congress, the Executive branch of the Government could not levy arms and expend public money without Congressional sanction," and "Congress would be loyal," but "it would be a deliberative body; and to wait for '*many men with many minds*' to shape a war policy, in the debates of an extra session, would be to invite disaster. So it was concluded to call Congress to meet on the 4th of July; and to trust to their patriotism to sanction the steps taken, prior to that time, by the Executive."[3] The Congress would be loyal, but dilatory. It was no time to take avoidable risks. In fact, when the Congress did meet, several members at once demanded whys and wherefores. No matter how early a date might have been set for the session, invaluable time would probably have been lost before any important measures could have been taken. The special session had

[1] Kansas became a state in the following January.

[2] James D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1897* (10 volumes, Washington, 1896–1899), v. 632, 634, 635.

[3] Seward, *Seward at Washington*, I. 544. The italics are mine.

been at work only a few days when Senator Henry Wilson, of Massachusetts, blandly remarked that if the Lord's Prayer were offered as a resolution numerous amendments would be insisted upon.

The Congress that met in July—and that might have met at the end of April—was not the Congress that had adjourned in March. In the special session there were 13 new senators, 4 Democrats and 9 Republicans, and 103 new representatives, of whom 44 were Democrats and 59 Republicans. Some of these newcomers were regarded as "uncertain quantities." Great changes had taken place in the political composition of the two Houses.[1]

It should be observed also that this was not the last time that Lincoln proposed to confront Congress with a *fait accompli.* Gideon Welles, in the *Galaxy* of April, 1872, published a long account of Lincoln's last Cabinet meeting. On that morning of the day of the tragedy in Ford's Theatre many matters were talked about more or less formally. Of these the President regarded the establishment of civil rights and the preservation of order in the Southern states and the general problems of reconstruction as at least equal in importance to any that any Cabinet might ever have to deal with. And, wrote Welles:

> He [Lincoln] thought it providential that this great rebellion was crushed *just as Congress had adjourned*, and there were none of the disturbing elements of that body to hinder and embarrass us. If we were wise and discreet, we should reanimate the States and get their governments in successful operation, with order prevailing and the Union reëstablished, before Congress came together in December. This he thought important. We could do better; accomplish more

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[1] In the Congress which had expired on March 4 the Democrats had had solid delegations in both Houses from thirteen states; now they had none. The Republicans had had solid delegations from the six New England states and from Iowa and Michigan; in the new Congress, while they had the same number of solid delegations, they divided equally with the Democrats in the representation from Rhode Island and Connecticut in the lower House but gained solid delegations in Kansas and Wisconsin. The Democrats in the preceding Congress had had both senators from fourteen states and now had both senators from only California, Delaware, Kentucky, and Missouri. The Republicans could now count both senators from fourteen states instead of ten as before. In the House the Democrats had had full delegations from sixteen states and the Republicans from nine, but at the opening of the new Congress the only full delegation the Democrats could claim was the single member from Oregon, while the Republicans had full delegations from eleven states. In all, the Democratic representation from thirty-three states was reduced from thirty-eight senators to eleven from twenty-five states, while the Republican representation had gone up from twenty-five to thirty-one; in the House the Democratic count came down from 101 to 42 members and the Republicans remained almost level with 106 instead of 113 members. These figures are derived from the *Congressional Globe,* the *Congressional Directory,* and the *New York Tribune Almanac.*

> without than with them. There were men in Congress who, if their motives were good, were nevertheless impracticable, and who possessed feelings of hate and vindictiveness in which he did not sympathize and could not participate. He hoped there would be no persecution, no bloody work, after the war was over. . . . We must extinguish our resentments if we expect harmony and union. . . . Each House of Congress, he said, had the undoubted right to receive or reject members; the Executive had no control in this matter. But Congress had nothing to do with the State governments, which the President could recognize, and under existing laws treat as other States. . . . There were men who objected to these views, but they were not here, and we must make haste to do our duty before they come here.[1]

There is more in this *Galaxy* passage dealing in a general way with this subject, but this portion definitely justifies the conclusion that the President proposed during the summer of 1865 to get the Southern states back into what he had once referred to as their normal relations with the Union. It would seem that he was quite willing to dispense with the assistance of the Congress both at the beginning and at the end of the Civil War.

Still another consideration which influenced Lincoln in setting the date of July 4, 1861, was that if the Congress had assembled at the earliest time possible, five states would have been entirely without representation in the House; these states had not yet elected their Representatives. Neither had Virginia, but the Old Dominion seceded immediately after the firing on Sumter. The President doubtless foresaw the secession of Tennessee, which took place on May 6, and of North Carolina, which withdrew on May 21. But a new Senator from California arrived in New York Harbor in time to be present on the opening day of the July session, although the two Representatives from that distant state did not take their seats until the regular session assembled in December.

The other two states, Maryland and Kentucky, were perilously teetering between continuance in the old Union and adherence to the new Confederacy. Both Lincoln and Davis understood the vital importance of winning those Border States, where factional conflicts were raging. When Lincoln issued his proclamation for the Congress to assemble on Independence Day only seven states had seceded. The Montgomery government was using every possible means to induce the remaining eight slave states to go out of the Union. In the end four additional states did secede; while Maryland, Kentucky, Delaware, and Missouri remained in the Union. The delicate and desperate game of playing for three of those states (Maryland, Kentucky, and Missouri) continued throughout the eighty-three-day period. What amounted to a dual government operated in Missouri throughout the year. After Virginia the great prizes for the South were the essentially Southern states, one of which intervened between the Capital and the North, and the other of which, with its long Ohio River boundary, would carry the Confederacy within striking distance of Lake Erie. There was a large body of Union sentiment in these borderlands, but as slaveholding states they were warm in their sympathies with the position of the slave-owners throughout the South.

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[1] *The Galaxy,* XIII (April, 1872), 526. The italics are mine. Nicolay and Hay, *Abraham Lincoln,* X. 282, and Rhodes, *History of the United States,* V. 138*n.*, accept this account as authentic.

Moses H. Grinnell, a representative Northern merchant, wrote the then Senator Seward in January about the intense anxiety with which New York City was following events on the border, and told him that "the sentiment is strong that if the border states withdraw, the Union *is* gone. . . ."[1] John A. Gilmer, the outstanding Unionist of North Carolina, to whom Lincoln had offered a Cabinet portfolio, several times wrote Seward that if the North could hold the Border States, the Cotton States would soon be back in the Union.[2] From Richmond, in late February, Frederick W. Lander, of Washington, also wrote the prospective premier of the Cabinet that Lincoln "*must* secure the Border slaveholding States to the present Union."[3] And Charles Sumner, as early as January 8, 1861, had told Governor Andrew that "Virginia will go, and will carry with her Maryland and Kentucky."[4]

James G. Blaine, although not a member of the Congress at the time, declared in later years that a "conclusive reason" for Lincoln's putting off the special session twelve weeks "was that Kentucky had not yet elected her representatives" to the new Congress. He was particularly interested "in the course and conduct of Kentucky" and believed that "in the action of her people would be found the best index and the best test of the popular opinion of the Border slave States."[5] The Davis government adopted the policy of assuming that the inclusion of these states within the Confederacy would be a matter of only a short time. Let them be treated as "sister states" and they would perceive their destiny to be identical with that of the states already united at Montgomery. Lincoln's correspondence indicates how carefully he had studied this situation. His problem was to prevent the secession of the Border States—without relinquishing his national policy. It therefore would be expedient for him to take no avoidable action which either Maryland or Kentucky could fairly consider as an affront.

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[1] Bancroft, *Seward*, II. 532. [2] *Ibid.*, 545–549. [3] *Ibid.*, 540.

[4] Letter to John A. Andrew, Andrew Papers in the Society's Library.

[5] James G. Blaine, *Twenty Years of Congress: from Lincoln to Garfield* (2 volumes, Norwich, Connecticut, 1884–1886), I. 309.

While the states of the cotton belt were seceding one after another in 1861, incessant efforts were made by the exponents of secession, both inside and outside Maryland, to induce Governor Hicks to call an extra session of the legislature. No state convention could be assembled legally without legislative action. The purpose of any such convention would be to pass on the question of the renunciation of the Union. When the legislature finally did meet at Frederick, the governor affirmed the conviction that "the only safety of Maryland lies in and of the South."[1] This was the meeting which the President kept under vigilant observation and against which he authorized the suspension of the privilege of the writ of *habeas corpus*. The legislature did nothing, however, which altered actual conditions. A Committee on Federal Relations reported that the legislature had no power to pass a secession ordinance, and a minority report was rejected by a vote of fifty-three to thirteen, but there was no endorsement of the Washington administration. The House adopted resolutions condemning the war and the military occupation of the state. But public sentiment was changing. The Baltimore Unionists recovered from their scare. Other sections of the state made themselves heard. The governor named June 13 as the day for a special election of members of Congress. This election was almost a complete triumph for the loyalists. No advocate of secession was chosen, although one of the winning candidates stood in an ambiguous position.[2]

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[1] *The Rebellion Record: A Diary of American Events*, Frank Moore, Editor, (11 volumes, New York, 1861–1868), I. 160.

[2] The reference is to Henry May, a Democrat of Baltimore, who was elected to the House over Henry Winter Davis by a ratio of four votes to three in a total vote of 14,000. Soon after the special session of Congress began, the Committee on the Judiciary was directed to inquire whether Mr. May had been holding criminal intercourse with "persons in armed rebellion against the Government of the United States. . . ." The Committee found no evidence to justify such a conclusion and recommended no action. Mr. May then took the floor

In no state were conditions more difficult to analyze and interpret during the early months of 1861 than in Kentucky, the native state of both Lincoln and Davis. In the election of 1860 four in each bloc of eight votes were cast for Bell and Everett, only three in each bloc for Kentucky's own candidate, John C. Breckinridge, and Douglas received all the remaining eighth of the vote, with the exception of the slightly more than a thousand ballots which were polled by Lincoln. Governor Beriah Magoffin favored the South. He called a special session of the legislature in January and indicated his purpose that the legislators should "consider the propriety of providing for the election of delegates to a Convention . . . to which shall be referred for full and final determination the future of Federal and inter-State relations of Kentucky." The Blue Grass State was distinctly Southern and loyal to the institution of slavery and was strongly bound by a multitude of sentimental ties to the other states of the South.

For many years Kentucky had elected state officers, including members of the national House of Representatives, in August. The Unionist party, uncertain which way the scales might tip if such a convention were held, adopted a temporizing policy, hoping to prevent the meeting of the convention until the August election should give them a chance to choose new legislators. The secession fever was sweeping one state after another out of the Union, and each withdrawal intensified the unrest in Kentucky. The legislature adjourned in February without adopting any convention measure and assembled again late

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for a personal explanation. He had gone to Richmond to offer himself "in the character of a mediator." His had been "a private mission." He had dutifully called upon the President and told him "most frankly and fully" the purpose of his visit, and the President had sent him to General Scott for a pass to cross the Potomac, but with the distinct understanding that "he gave no sanction whatever" for the visit, although "he did not object" to his going on his own responsibility. Mr. May went to Richmond, but he refused to discuss the purport of whatever conferences he may have had there. In reply to Schuyler Colfax he said: "Now, with reference to my communications to the rebel government, as the gentleman from Indiana is pleased to term it, I do not acknowledge the right of the honorable gentleman to inquire of me." In the opinion of Horace Greeley he was received there as "a sympathizing friend," but was "rebuffed" in whatever "proffer, overture, or assent, looking to reunion" he may have proposed. In his remarks before the House the Baltimore representative dwelt on the conditions in that unhappy city, how his constituents were "bound in chains" and denied "every precious right belonging to them under the Constitution," especially "the priceless writ of *habeas corpus*." The "down-trodden people of Baltimore" were "groaning" under "a military tyranny." *Congressional Globe*, 37th Congress, 1st Session, 196–199; Horace Greeley, *The American Conflict; A History of the Great Rebellion in the United States of America, 1860–1864* (2 volumes, Hartford, 1864–1873), I. 563–564.

in March, when the Unionists were compelled to renew their fight under more difficult conditions. The most influential man in the state was John J. Crittenden, who had just completed his final term in the United States Senate. In an address to the legislature on March 26 he repeatedly declared "the true policy" of Kentucky to be "to stand by the Union," while arguing also that the Federal Government "ought not to pursue a course of forcible coercion" and that the seceded states should be allowed to "go on in peace with their experiment."[1] Instead of a state convention a plan was adopted for the calling of a peace conference of the border slave states to assemble on May 27 and for the election thereto of twelve Kentucky delegates. Then, on May 24, the legislature adjourned *sine die.*

Long before the date assigned for this conference the assault on Fort Sumter completely altered the situation. The convention, so-called, did meet, but the delegates on the Union ticket had carried the election, and in addition there appeared in Frankfort only two delegates from Missouri and one from Tennessee. They sat until June 3, with Crittenden as chairman, and issued an address to the people, declaring that the question was now Union or no Union and that Kentucky would remain loyal to the constitutional administration of the national government.

Meantime the governor had sent his well-remembered telegram in reply to Secretary Cameron's demand for troops: "I say emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States." Immediately the Confederate Secretary of War asked the governor to send a single regiment to Harpers Ferry. Magoffin took counsel of expediency: his state was separated from the free states by a boundary of seven hundred miles. He refused that requisition also. Instead, he became an ardent advocate of neutrality. Kentucky would not quit the Union or take up arms against either section but would "arm herself for the one purpose of preserving tranquillity and peace within her own borders." With petitions pouring into the State House in endorsement of this impracticable policy, the governor issued a proclamation, warning all states to abstain from any movement on the soil of Kentucky. This policy lasted only a few months. Kentuckians were fighters, and both the North and the South were getting recruits among them. The Confederates grabbed the city of Columbus, and Grant seized Paducah. A "State Guard" and a "Home Guard" confronted each other. Crittenden explained to General Scott that the Unionists acquiesced in the refusal of the governor to supply troops, "not because Kentucky loved the Union less," but because "she feared that if she had parted with those troops, and sent them to serve in your ranks, she would have been overwhelmed by the secessionists at home and severed from the Union."[1]

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[1] Ann Mary Butler (Crittenden) Coleman ("Mrs. Chapman Coleman"), *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches* (2 volumes, Philadelphia, 1871), II. 299–316.

In the midst of this welter of events the governor ordered that the delegation of the Congress of the United States should be elected in June instead of August. The result was an overwhelming victory for the Unionists. In a total vote of 130,000 the Union majority was 54,000. When the special session opened at Washington, Kentucky had nine Union Congressmen and one States' Rights Democrat.

The outline of the happenings in Maryland and Kentucky clearly indicates the profit which accrued to the Union cause from the policy of Lincoln. The careful, sure-footed way in which the President managed the difficult situation in Kentucky is well illustrated by an incident which took place shortly after the meeting of the Congress. On July 10, Crittenden, who had been sent back to Washington as a member of the House of Representatives, and Simon B. Buckner called on him at the White House. To Buckner the President handed a paper which, as he said, he did not sign as he did not intend it should be considered "a proclamation" but a statement of policy which might be used by Buckner in his discretion. At Lincoln's suggestion the paper was initialed by Crittenden. What became of the original is not known. It was printed in a Kentucky newspaper with a statement signed by Buckner. Excellent authorities accept it as genuine. Few short statements better exemplify the shrewdness and caution of the President. He wrote:

> It is my duty, as I conceive, to suppress an insurrection existing within the United States. I wish to do this with the least possible disturbance or annoyance to well-disposed people anywhere. So far I have not sent an armed force into Kentucky, nor have I any present purpose to do so. I sincerely desire that no necessity for it may be presented; but I mean to say nothing which shall here-

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[1] Nicolay and Hay, *Abraham Lincoln,* IV. 233.

after embarrass me in the performance of what may seem to be my duty.[1]

The new legislature duly met in September and, despite a veto by the governor, took action for the expulsion of Confederate troops from the state.

So, on Independence Day, 1861, the new Congress assembled under the unfinished dome of the capitol. Apart from the two representatives who appeared from what was soon to become the state of West Virginia, the only member from a seceded state who answered to his name at roll call was Andrew Johnson, senator from Tennessee. On the second day of the session the President's message was read in both Houses. In the lower House, according to the *Congressional Globe*, the reading was "frequently interrupted by the most enthusiastic applause, both on the floor and in the galleries." In his message Lincoln took the public completely into his confidence.[2] He interpreted his policy and reasoned his case. He defended what had been done at Fort Sumter. He examined at length the secession theory and condemned its principle as "one of disintegration, and upon which no government can possibly endure." This "popular government has often been called an experiment," he said. The people must now "demonstrate to the world that those who can fairly carry an election can also suppress a rebellion. . . ." The President must defend the government or surrender its existence. The fate of "free government upon the earth" was at stake.

He put the issue in a simple question: "Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?" He had used the war power with the deepest regret. As for the call for 75,000 militia and the proclamation "for closing the ports of the insurrectionary districts by proceedings in the nature of blockade . . . all was believed to be strictly legal." Calls were also made for three-year volunteers and for large additions to the regular Army and Navy. "These measures, whether strictly legal or not, were ventured upon, under what appeared to be a popular demand and a public necessity; trusting then, as now, that Congress would readily ratify them." A long paragraph was devoted to the

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[1] *Clarksville Jeffersonian*, September 13, 1861. For a facsimile, see Robert McN. McElroy, *Kentucky in the Nation's History* (New York, 1909), 536. Nicolay and Hay endorse Buckner's statement as genuine. *Complete Works*, VI. 325–326.

[2] *Complete Works*, VI. 297–325.

"legality and propriety" of the suspension of *habeas corpus*. "In full view of his great responsibility he has, so far, done what he has deemed his duty," and, said the President, "You will now, according to your own judgment, perform yours."

The question of what should constitute a quorum at once arose in both Houses. Only twenty-five states were represented, but the Administration's position was that the seceded states were not out of the Union. The Senate, two-thirds of whose members had been in office in the Buchanan administration, decided not to recognize in any way the contention that secession had diminished the number of potential senators, and ruled that a quorum must consist of a majority of the entire number if all seats actually were occupied, and stood by that ruling after the expulsion of several members from the South. The House counted a simple majority of the representatives chosen in the November election as a quorum.

Henry Wilson saw to it that the first business on the Senate calendar should be his joint resolution, officially known as Senate No. 1, in which it was recited that the President "did on the 15th day of April last" call upon the states for 75,000 men, that he "did on the 19th" issue a proclamation of blockade, that "he did on the 27th and again on May 10 authorize" the suspension of *habeas corpus*, and that "he did" on May 3 call for 42,000 volunteers, for the increase of the regular Army and of the Navy, "all of which proclamations and orders have been submitted to this Congress." The resolution asked that all these be "approved and declared to be in all respects legal and valid, to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States."

There followed a lively and acrimonious discussion. Milton Slocum Latham, Democrat, of California, would vote against endorsing the increase of the Army and the suspension of *habeas corpus*. John P. Hale, Republican, of New Hampshire, could see "no great necessity" for standing armies. Anthony Kennedy, Unionist, of Maryland, declaimed against such dangerous precedents, and asserted that there had been no occasion for the suspension of *habeas corpus* in his state. Truston Polk, Democrat, of Missouri, accused the President of having brought on a war which the Congress had not declared and of having taken arbitrary measures under false pretenses. In replying to

Kennedy, Henry Wilson ripped out the ugly charge that "there is no spot on this Continent, none whatever, where there have been blacker traitors than in and about the city of Baltimore," while Lincoln's old friend, Edward D. Baker, "the gray eagle from Oregon," went so far as to say that he wanted "sudden, bold, forward, determined war," and that nobody "can conduct a war of that kind as well as a dictator."

In the House, also, there were altercations. Henry C. Burnett, the lone Democrat from Kentucky, and Robert Mallory, a Union Democrat from the same state, disputed as to what their state would do. Clement L. Vallandigham, the Ohio Democrat, in a long speech deriding the President's inaugural, intimated that it had not been what "was expected from the plain, blunt, honest man of the Northwest," but that it had been written "with the forked tongue and crooked counsel of the New York politician."[1]

Probably the Wilson resolution might have passed the Senate had a vote been taken at once, but for reasons, some of which do not appear in the record, the efforts of Wilson failed to obtain a vote on what came to be described as his "pet measure." Long speeches blocked action. Breckinridge argued: "we may upon the face of the joint resolution make them [the President's acts] valid; but we cannot make them valid in fact. . . . Whatever unconstitutional act he may have committed cannot be cured by a joint resolution of Congress; but stands there, and will stand for ever, a breach of the Constitution."[2] Andrew Johnson, to the contrary, found "in the great law of necessity" justification for what the President had done.[3]

It is a fair inference that the main reason for blocking a vote on Wilson's resolution was well stated in the speech John Sherman made on August 2. "I do not believe the President of the United States has the power to suspend the writ of *habeas corpus*," he said, "because that power is expressly given to Congress alone." "I do not believe the President of the United States has the power to increase the regular Army, because that power is expressly given by the Constitution to Congress alone. . . . Still," he added, "I approve of the action of the President. . . . He did precisely what I would have done if I had been in his place—no more, no less; but I cannot . . . as a Senator, under oath, declare that what he did do was legal."[1] Lyman Trumbull at one time defended what the President had done "upon the great principle . . . of self-defense," but when he more definitely stated his position, he asked if the Congress by declaration could make legal what was not legal. He would excuse what had been done, the Administration must exercise power to suppress the rebellion, but he must object to any formal approval of the exercise of powers for which no warrant could be found "in strict law."[2]

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[1] *Congressional Globe*, 37th Congress, 1st Session, 40–57.

[2] *Ibid.*, 137 ff. [3] *Ibid.*, 288 ff.

Wilson declared that the House would pass his resolution once the Senate had done so, but the Republican majority in the upper House balked at the attempt to affirm the legality of executive acts which, paradoxically, they approved as necessary. Nor did the Senate overlook the fact that their refusal amounted to an assertion of the right of the Congress alone to suspend *habeas corpus*. It was only at the end of an all-night session on March 3, 1863, that the Senate concurred in the House Bill of Thaddeus Stevens—which, in curious and guarded terms, granted to the President the authority for the suspension.

Meantime the continuing bickering of Congress during the five weeks of the special session went far towards proving the wisdom of the President of reserving to himself full freedom of action during the eighty-three-day interregnum between April 12 and July 4, 1861. Representative George H. Pendleton, of Ohio, could see no reason for expanding the Army except to provide patronage in the appointment of officers. Vallandigham offered a resolution, with seven separate charges, for censuring the President. It failed, of course, and on the same day the House pledged itself unanimously to vote all the men and money required to put down the rebellion. Within a fortnight the familiar aspersions about fraud and corruption were brought forward. Charles H. Van Wyck, of New York, insisted that a colossal "system of plunder" was already in operation. For two days such men as James A. Bayard, of Delaware, and Latham, of California, rang the changes on the President's real and implied powers.[3]

Then came Bull Run. On the following days Congress, amidst the applause of the galleries, authorized the enlistment of 500,000 volunteers to serve for a maximum of three years. In rapid succession

[1] *Ibid.*, 393. [2] *Ibid.*, 337, 392.

[3] *Ibid.*, 95, 130, 131, 170; Appendix, 12–22.

bills were sent to the White House for an increase in the size of the regular Army, for the enlistment for seamen for the Navy, for the increase of tariff duties, and for the borrowing of money. On August 6, the last day, Wilson made a final attempt to obtain a vote on Senate No. 1. He offered to strike out the words "declared to be" in the enacting clause so that it should read "the same are hereby approved, and in all respects legalized and made valid." Lyman Trumbull, of Illinois, objected to taking a vote. But on that day Senate No. 72 was passed for "an increase in the pay of the privates in the regular Army and of the volunteers in the service of the United States" and "for other purposes." These were the "other purposes":

> *And be it further enacted*, That all the acts, proclamations, and orders of the President of the United States, after the fourth of March, eighteen hundred and sixty-one, respecting the Army and Navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.[1]

As Senator William Pitt Fessenden pointed out, this bill had avoided all questions relative to *habeas corpus* and other matters about which, as he said with mild delicacy, "there had been considerable debate."[2]

The simple fact is that during the crisis which might have dismembered the Union Lincoln ruled as a dictator. He committed the country to a policy of war for the suppression of what he called an insurrection without summoning a special session of the Congress at the earliest possible time. The most critical three days in the history of the United States began with the firing on Fort Sumter before dawn on April 12 and ended with the signing of the call for troops on the afternoon of April 14, 1861. War or peace, union or disunion—and, in Lincoln's judgment, the future of self-government in the world—were in the balance. He made no snap decisions then or at any other time during the war. He had reasoned his way through the problem which had baffled Buchanan, to reach an interpretation of the Constitution which made him vastly more than a "mere executive officer" whose only function must be the execution of the laws. He must "preserve, protect, and defend the Constitution." Could he keep that oath and allow the Union to perish? He acted in the spirit of the words with which he had concluded his Cooper Institute address: "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

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[1] *Ibid.*, Appendix, 45.

[2] *Ibid.*, 442, 454.

By September, in a letter to Dr. Francis Lieber, Charles Sumner was saying that the President "is now dictator, imperator,—which you will. . . ."[1] Throughout the four years of awful responsibility that followed, "The Tycoon," as his secretaries called him, managed the war and himself decided the more important questions of policy. There were able and earnest men in the Congress, but the leadership and the sagacious manipulations that held the North for the Union came from Lincoln.

Slowly the country came to realize that no ordinary man was at the helm. Who else could have handled the prima donnas of the Civil War Cabinet? On the very night of his election he had "substantially" completed the framework of his Cabinet, he said, and, in spite of the warnings and pleadings and remonstrances of personal friends and political backers, he sent to the Senate on March 5 the same list which he had registered in his own mind four months before.[2] Herndon, in his *Lincoln*, quotes from a statement written in 1866 by Mrs. Lincoln, that, "When we first went to Washington many thought Mr. Lincoln was weak, but he rose grandly with the circumstances. I told him once of the assertion I had heard coming from the friends of Seward, that the latter was the power behind the throne. . . . He replied, 'I may not rule myself, but certainly Seward shall not. The only ruler I have is my conscience—following God in it—and these men will have to learn that yet.'"[3]

In 1864, when he foiled the designs of the radicals by his pocket veto, he told his secretary that in spite of all the harm these men might do "I must keep some consciousness of being somewhere near right: I must keep some standard of principle fixed within myself."[4] Early in January, 1861, Senator Seward, in his daily letter to his wife, wrote: "I have assumed a sort of dictatorship for defense; and am laboring night and day, with the cities and States." That idea of the rôle he was to play in the great drama persisted for several months, but at the beginning of June, Seward, as Secretary of State, in a letter which he told his wife to burn, said, although with some reservation: "Executive skill and vigor are rare qualities. The President is the best of us. . . ."[1] Late in 1862 Lincoln had to deal with one of the most difficult situations of his administration. The Senate Republicans were undertaking to dictate his procedure and compel him to reconstruct his Cabinet. They made their plans in caucus. Senator Browning told the President that their "game was to drive all the cabinet out . . . and form a cabinet of ultra men around" Chase. And, says Browning, Lincoln replied "with a good deal of emphasis that he was master, and they should not do that."[2]

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[1] Pierce, *Memoir and Letters of Charles Sumner*, IV. 42.

[2] Nicolay and Hay, *Abraham Lincoln*, III. 345, 372.

[3] William H. Herndon and Jesse William Weik, *Herndon's Lincoln* (3 volumes, Chicago, New York, and San Francisco, [1889]), III. 513.

[4] Tyler Dennett, *Lincoln and the Civil War in the Diary and Letters of John Hay* (New York, 1939), 206.

Many times during those years the President proved his mastery. Only a man of enormous confidence and good judgment could have issued the Emancipation Proclamation. When he sat down to sign the document, he said: "I never in my life felt more certain that I was doing right, than I do in signing this paper."[3] Nevertheless, in spite of the authority which he conceived himself to possess as a military executive in time of war, he wrote Secretary Chase nine months later that he could not see his way to any extension of that edict to portions of certain states to which the argument of military necessity would not apply. "The original proclamation," he said, "has no constitutional or legal justification, except as a military measure." And he added in the same letter that to do what Chase desired would put him "in the boundless field of absolutism."[4]

Just what bounds he fixed for his powers it is difficult to say. The only pronouncement of the eighty-three-days' period which he took back was imbedded in the proclamation of blockade, wherein he declared that officers and crews of ships operating under Confederate letters of marque "will be held amenable to the laws of the United States for the prevention and punishment of piracy." But with recognition of the Confederacy as a belligerent by Great Britain, and in view of the threat of retaliation by the execution of Union prisoners, the wiser policy was adopted of treating such persons as prisoners of war, regardless of the implication that the Union thus admitted the Confederate claim of belligerency.

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[1] Seward, *Seward at Washington*, I. 491, 590.

[2] Browning's *Diary*, I. 604.

[3] Frederick W. Seward, *Reminiscences of a War-Time Statesman and Diplomat, 1830–1915* (New York and London, 1916), 227.

[4] *Complete Works*, IX. 108–109.

Lincoln was a dictator, but not in our vulgar modern sense. He purged no parliament, undertook no *coup d'état.* The people always were free to exercise their right to put him out of office, and there were dubious weeks in 1864 when he feared that they had decided to do so. Dictator he was, but no despot. Even the unfriendly *Times* of London said that "Abraham Lincoln was as little of a tyrant as any man who ever lived. He could have been a tyrant had he pleased, but he never uttered so much as an ill-natured speech."[1]

Did he save the Union in those fateful weeks of 1861? In the midst of the recriminations of the special session Henry S. Lane, senator from Indiana, declared: "the President has saved the Republic, by his energetic and patriotic action since the 4th of March."[2] In his message to the Congress in May, 1862, the President himself stated that by the measures taken after the fall of Fort Sumter, "some of which were without any authority of law, the government was saved from overthrow."[3] Marshal Joffre is reported to have said when he was asked who won the Battle of the Marne—himself, Gallieni, or some other French commander—that he did not know—but he knew who would have borne the blame had the battle been lost.

THE INDEPENDENT POWER OF THE PRESIDENT[4]

An erroneous opinion prevails among many persons with reference to the powers and duties of the President of the United States. For some he occupies an inferior position, a station wholly subordinate to the other departments of the Government; and is altogether subject to the control and dictation of the Congress, and has no power to interpret the Constitution as he understands it. The Executive is not the creature of the Legislative or Judicial department. On the contrary, he is entirely independent of them, except so far as the Constitution itself has made him dependent upon them for the exercise of his powers.

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[1] Ephraim D. Adams, *Great Britain and the American Civil War* (2 volumes, London, New York, *etc.*, 1925), II. 261.

[2] *Congressional Globe,* 37th Congress, 1st Session, 142.

[3] *Complete Works,* VII, 192.

[4] This editorial (referred to on page 309, above) was published in the *Springfield Daily Illinois State Journal* on April 9, 1861, and quoted *in extenso* in *Northern Editorials on Secession,* Howard Cecil Perkins, Editor, (2 volumes, New York, [1942]), II. 677–679.

There is one point at which the Executive occupies peculiar independence—a power which cannot be controlled by any other power or department of the Government. It is that position which he is compelled to occupy as a *Defender of the Constitution.* When he assumes the duties of his office, he swears "that he will faithfully execute the office of President of the United States, and will, to the best of his ability *preserve, protect and defend* the Constitution of the United States." This is the whole extent of the obligation. This is the language he is compelled to use when he takes his oath of office.

It is a common opinion that a President swears simply to execute the laws. This assumption leads to dangerous and fatal conclusions. His obligation is of a higher nature. He swears to preserve, protect, and defend the Constitution. In the discharge of this high responsibility, he may, *if necessary,* discard and reject the law. As the Constitution is superior to the law, and paramount, it follows that every protection shall be given the Constitution regardless of the law. If a traitorous Congress should attempt to sustain treason by law the Executive is bound to ignore that law. Simply, and by virtue of his oath, he must employ all means for saving the sacred deposit entrusted to his care. He cannot escape without incurring the charge of perjury.

Should the several states tender him volunteers and money for the purpose of preserving, protecting and defending the Constitution, it would be his duty to accept of them, whenever the emergency should arise, demanding their employment, even without any act of the Congress. To maintain the contrary would make the Executive wholly dependent upon the Congress; rob him of his position as the peculiar defender of the Constitution; strip him of power; make his oath an unmeaning ceremony; and convert the head of the Republic into the puppet and tool of popular passion and caprice. The framers of the Constitution had no such office in mind. They made the President Commander-in-Chief of the Army and Navy of the United States. They did not compel him to ask the Congress for men or money—for treacherous counsels might prevail some day, even in the Congress.

It follows, of necessity, that if the authority of the Government is threatened by rebellion, the Executive has the power to collect revenues and defeat traitors by any means within his reach. In ordinary circumstances, it is his duty to enforce government by means of laws. When treason occurs the preservation of the Constitution becomes paramount. If the stationing of vessels before the harbors be the only means of collecting revenues, the Executive obviously has the power to collect them in this way, and quite independently of the action of the Congress. Otherwise our institutions would crumble into dust, and the Constitution a President must swear to support would be a worthless piece of parchment in his grasp.

Lincoln and "The Devil's Advocate"

By Stewart Mitchell[1]

This paper should be introduced with two confessions: the author is not an idolater of Lincoln—even though he contributed to the unanimous vote of 55 by which Lincoln was chosen the greatest of the six great Presidents of the United States on the ballot which Professor Schlesinger circulated during the spring of 1946. Mr. Schlesinger described his method and the results to the Lincoln Group of Boston that autumn. *Life* printed the poll, with unhappy results.[1] Nor does the author of this paper call himself a specialist on Lincoln. To rate as such nowadays a man must give his whole life to the subject, and that not all of us desire to do—or ever will do.

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[1] This paper was first read before the Lincoln Group of Boston at the tenth anniversary meeting at the Parker House, on the afternoon of Saturday, February 8, 1947, Mr. F. Lauriston Bullard presiding. The next day the following extraordinary report of the paper appeared in the *Boston Herald* for Sunday, February 9, 1947:

Excessive idolization of Abraham Lincoln has reached proportions that eventually may destroy his place of greatness in history, Stewart Mitchell of Cambridge, former editor of the Massachusetts Historical Society, declared yesterday at the tenth anniversary meeting of the Lincoln Group of Boston at the Parker House.

Speaking to more than fifty of New England's foremost Lincoln scholars and proponents, Mitchell loosed an intellectual bombshell on the group as he asked, "Are the dice always to be loaded in Lincoln's favor?"

Mitchell branded many Lincoln biographies as "rubbish," adding that nothing could be "more harmful" to any man than unmerited praise.

He warned that Lincoln, whose birthday will be celebrated Wednesday, still captured popular adoration, but that he could be reduced to a characterization such as now clouds George Washington's place in history.

As a reaction to the hero worship accorded the first President, Mitchell declared that today Washington was pictured as "a plodding, purse-proud planter of amorous propensities." Similarly, he asserted, the poets Browning and Tennyson are laughed at in this decade.

A British Lincoln biographer even attempted to portray the Civil War president as a "military genius," the one attribute, Mitchell argued, that Lincoln definitely did not possess. "The south was conquered," he maintained, "after four years of fumbling, of bloody trial and error."

Outlining some of Lincoln's weaknesses, Mitchell termed the Illinois railsplitter "a cold fish, for whom hero worship has distorted even the physical facts."

Within the week, the president of the Lincoln Group wrote the author as follows:

DEAR MR. MITCHELL: The *Herald's* report offended me very much. The writer did, what so often is done: disregarded contexts, played up what makes lively reading, and gave the public a wrong slant on the terrain. Let me thank you for this contribution to our Group; my own position is not so very different from yours, and I am *glad* you had "a good time."

Most cordially yours,
F. LAURISTON BULLARD.

This paper was read, by request, for a second time, at the stated meeting of the Society on May 8, 1947.

Abraham Lincoln, like Napoleon Bonaparte, has a lot to answer for—each of these two remarkable men has been the cause of more books, most of them rubbish, than any other person in modern history. We shall not waste our time with cynical digressions on this subject; let us leave it merely by observing that the vulgar admiration for Napoleon is a sinister commentary on the decline and fall of ideals in Europe since Waterloo. France had to get the glory she lost on the field of battle; so the Corsican was deftly transformed into a romantic and noble figure; while even Englishmen joined in paying tribute to the dearest foe of Pitt the Younger.[2] So, too, with the amazing myth of Lincoln here in America—to exaggerate his virtues is to expiate, in the habit of our ancient, and hideous, ancestors, a feeling of tribal guilt for the causes, the course, and the fearful consequences of our disastrous Civil War.

Let us content ourselves with one instance only of the gross absurdity of certain studies of Abraham Lincoln. Readers of Paul M. Angle's excellent *A Shelf of Lincoln Books* (1946), will find listed as the fifth volume in his bibliography: Colin R. Ballard, *The Military Genius of Abraham Lincoln* (London, 1926). The author cannot be quite a crank or a fool, even though he was a brigadier-general in the British Army. We all know that after four grim years of savage conflict, the South lost its War for Independence. It was conquered by the North at long last, in three ways:—blockade by sea; the drive down the Mississippi which isolated Arkansas, Louisiana, and Texas; and, finally, by the offensive from Chattanooga to Atlanta, and from Atlanta to the Atlantic, which split in two what was left of the ragged, starving Confederacy. Behind the blood-stained facade of this success lies costly fumbling, with ghastly failure at frontal and flanking attacks on Richmond—four years of sickening sacrifice of human life by the painful process of trial and error. And the decisive battle of the Civil War was fought—not on the soil of the South, but in Pennsylvania.

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[1] See *Life* for November 1, 1948. An ignorant editor spoiled the significance of Mr. Schlesinger's poll by cutting out the information that his electors came not from Harvard, but from every part of the United States.

[2] H. A. L. Fisher, *Bonapartism* (London, 1908). A notable example was Archibald Philip Primrose, fifth Earl of Rosebery (1847–1929).

To General Ballard, however, the whole course of the struggle was carefully foreseen from the moment of the firing on Fort Sumter. By whom? By none other than Abraham Lincoln. Even the egregious General Halleck, always rubbing his elbows, is squeezed out of Ballard's picture. Yet if there was one quality which Lincoln did not possess, that quality was "military genius." So much the better for his reputation, in the long run, for military genius is the most overrated of all the various forms of human cunning. It has given half-a-dozen men the title of "the Great," in history—persons who, in most cases, have been monsters—from Alexander of Macedon to Frederick of Prussia. The only man who wears that title well is Alfred, King of England.

Let us leave this subject by quoting the harsh and now popular words of Lord Acton: "Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority, still more when you superadd the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it."[1] Acton, a devout Catholic, was censuring Mandell Creighton for not having been sufficiently severe on the Popes of the Renaissance—the supreme heads, mind you, of the Church to which Acton gave faithful, lifelong loyalty. Yet he was not only harsh, he was careless, for after the two words, "great men," he should have added two more, "of action." It would be hard to show in what respect Aristotle, Virgil, Shakespeare, Spinoza, Newton, Beethoven, or Pasteur were "bad" men, in any fair sense of that word.

All of us who really love Lincoln are familiar with a number of good books about him, as well as convenient selections from his speeches and letters. The earliest volume is the little life which William Dean Howells prepared for the campaign of 1860; the latest is our amiable colleague's *Abraham Lincoln and the Widow Bixby* (1946). Some of us began with Charnwood, all of twenty-five years ago—a friendly study of our national hero by an outsider. Perhaps the best biographies—to run through Mr. Angle's bibliography—are Herndon (1889), Nicolay (1902), Charnwood (1917), Stephenson (1922), and Beveridge (1928). In addition most of us have a reasonable knowledge of four special volumes: Randall's *Constitutional Problems under Lincoln* (1926), and his *Lincoln, the President* (1945); Stern's *Life and Writings* (1940); and Bullard's *Widow Bixby* (1946). So far, so good. But *Lincoln: the Man* (1931), by Edgar Lee Masters, is not even listed in Mr. Angle's otherwise invaluable guide. There has been a national conspiracy of silence against this book from the moment of its publication.

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[1] John Emerich Edward Dalberg-Acton, *Historical Essays and Studies* (London, 1907), 504: Letter to Mandell Creighton, 1887.

It never does, in the long run, to load the dice in favor of anyone at the gamble for fame—as John Hay privately confessed that he and Nicolay were loading them, in that dishonorable letter which Mr. Bullard has quoted in his *Abraham Lincoln and the Widow Bixby*. Hay was writing to Nicolay on August 10, 1885, all of twenty years after Lincoln's death—and about a year before their immense history began to run its course in the *Century Magazine*.

> But we ought to write the history of those times like two everlasting angels who know everything, judge everything, tell the truth about everything, and don't care a twang of their harps about one side or the other. There will be one exception. We are Lincoln men all through. But in other little matters, let us look at men as insects and not blame the black beetle because he is not a grasshopper.

And then Hay added these disgraceful words: "We should *seem* fair [to McClellan] while we are destroying him." Hay tacked on a postscript: "Destroy this letter. It would be too great a temptation to any reporter who should pick it up." The late Worthington C. Ford, sometime editor of the Massachusetts Historical Society, was often heard to say: "If you want a letter of yours to be carefully filed, mark it 'private and confidential'; if you want it to be saved—to be printed some fine day after you are dead—remember to write at the top or the bottom of it: 'Burn this letter.'" But John Hay was plaster, painted to look like marble.[1]

Nothing is more harmful to a man, at long last, than to be praised beyond his deserts. Most of us can rely on our best friends to protect us from this peril. Take Browning and Tennyson, for instance. Each has suffered grievously from the excessive adulation to which they were once subjected: each lived too long; each wrote too much. Yet now even their great poems are laughed at by the bright young men and women of our day, and people whose unreadable verses are beyond compare. Just so has every one of the six great Presidents of the United States—Washington, Jefferson, Jackson, Lincoln, Wilson, and Roosevelt—gone through three periods of opinion. Each of them, while in office, was criticized, not only fairly but unfairly; all were hated and slandered. With death, there came a tidal wave of worship—some of it absurd. Then followed the period of reaction. Now Woodrow Wilson is getting hard blows again, although it is not yet quite plain just how that compound of "Calvinistic Toryism and Bagehot liberalism" finally "split into ruins," leaving his country for the first time—and let us hope the last—a prey to the anonymity of "palace government."

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[1] For the weak side of the character of John Hay, see the exchange of letters between Theodore Roosevelt (January 22, 1909) and Henry Cabot Lodge (February 14, 1909) in the Lodge Papers in the Massachusetts Historical Society. At the request of Mrs. Theodore Roosevelt the late Senator Lodge excluded these two letters from *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge; 1884–1918* (New York and London, 1925) because the widow of John Hay was still living. Roosevelt's letter is printed in *The Letters of Theodore Roosevelt*, Elting E. Morison, Editor, VI (1952), 1489–1493.

When George Washington, after two years and nine months of the only private life he ever knew, died suddenly on December 14, 1799—or, rather, when he was put to death by his conventional, if well-meaning physicians—Abigail Adams, wife of the second President of the United States, was at first impressed, and then disgusted, with the current comment on him in newspapers, sermons, and orations. Within six weeks of his death she was sputtering with indignation, protesting in a letter to her sister on January 28, 1800, against two preposterous outbursts.

Take a look at a little of each. In Newburyport, on January 2, 1800, the Reverend Thomas Paine delivered himself, in part, as follows:

> Americans, The saviour of your country has obtained his last victory. Having reached the summit of human perfection, he has quitted the region of human glory. Conqueror of Time, he has triumphed over mortality; Legate of Heaven, he has returned with the tidings of his mission; Father of his People, he has ascended to advocate their cause in the bosom of his God. Solemn, "as it were a pause in nature," was his transit to eternity; thronged by the shades of heroes, his approach to the confines of bliss; pæaned by the song of angels, his journey beyond the stars![1]

And Rosewell Messinger, speaking at Old York, down in Maine, uttered, and then printed, these ludicrous words in honor of the "Father of His Country":

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[1] Thomas Paine, *Eulogies and Orations on the Life and Death of General George Washington* (Boston, 1800), 55.

> The sun of the firmament is not darkened! The foundations of the earth do not tremble! Rocks have not fallen to dust! The mountains have not melted away! But the veil of liberty's temple is rent in twain. Her spotless high-priest hath retired to rest, through the portals of everlasting fame.
>
> If our tongue were an angels it would falter; if our hearts were marble they would bleed; if our eyes were flint they would swell with tears; if the world were a Zembla it would melt and mourn, for Washington is no more. . . .
>
> O, Adams, thy grief must pierce the centre of thy heart. More momentous than ever are the cares that devolve upon thee. The prophet with whom thou hast walked hand in hand, is now departed. Receive the mantle of thy brother. If the waters of death threaten to flood our country, divide them asunder; bid them roll on the right and the left, till they are lost in the desert. God will make thee Columbia's second Saviour. . . .
>
> Though they say he [Washington] was a God, he died as a man: let us not murmur, but rather wonder, that his great and immortal soul should be contented to reside in a human form so long.[1]

Nothing more ridiculous can be found—not even in all the nonsense that has been spoken, written, and printed about Abraham Lincoln. Yet twenty years ago the tendency seemed to be to try to reduce George Washington to the proportions of a plodding, purse-proud, indolent planter of amorous propensities. So much for the ebb and flow of popular opinion.

When the Catholic Church finally gets round to making a saint of one of its more conspicuous sons or daughters, it appoints a kind of prosecuting attorney to prepare and present the case against canonization of the person in question. This cleric is popularly known as "The Devil's Advocate." Suffice it to say that he always loses his case, for the Church is extremely cautious in the matter of selecting its saints, and takes its own good time. Joan of Arc had to wait five hundred years to "make the grade." *Lincoln: the Man* is the work of the Devil's advocate against the canonization of Abraham Lincoln. According to J. G. Randall, in the *Dictionary of American Biography*, this book "is almost alone in its devastating treatment." Although Mr. Angle saw fit to ignore it, though the author seems likely to lose his case, this exceptional work cannot be waved aside, for it is too well argued, too learned, and too well written to be dismissed with a scowl or a sneer. One of our own authorities on Lincoln, Mr. Bullard, thinks it should have been included in Angle's *Shelf of Lincoln Books*, even though "it contains between its covers every mean thing that can possibly be said of Abraham Lincoln." It made no great stir in the world, although it was brought out by a reputable publisher—any publisher can sell every copy of any book on Lincoln—and most of the notices it received were hostile or scurrilous. A shining exception was Mr. Bullard's review in the *Boston Herald*.[1] The *American Historical Review* merely ignored it. Yet *Lincoln: the Man* is not the tirade of an ignoramus. The author makes many good points in Lincoln's favor, even while he protests, through five hundred pages, against the common and vicious practice of praising Lincoln by means of denigrating everyone who happened to come into collision with him, or even to disagree with him.

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[1] Rosewell Messinger, *An Oration, Delivered at Old York on the Death of George Washington* (Charlestown, Massachusetts, 1800).

It is an interesting fact that two remarkable and popular American poets should have devoted a part of their lives to the study of Abraham Lincoln—and should have arrived at opposite results. These two men were born about the same time and were brought up in the same part of our country: Carl Sandburg in Illinois in 1878, and Edgar Lee Masters in Kansas in 1869. Masters went to college in Illinois, learned law there, and settled down there to practise it after 1891. Both journalist Sandburg and lawyer Masters turned to writing poetry, and each became famous almost at the same moment—Masters with *The Spoon River Anthology* (1915), which had been run through seventy editions by 1940, and translated into Danish, French, German, Hebrew, Italian, Norwegian, and Swedish; and Sandburg, with *Chicago Poems* (1916)—though he characteristically misdates the volume by one year in his own account of himself in *Who's Who*. Masters, try as hard as he could, never repeated his first success; but Sandburg's *Corn Huskers* (1918) is probably more widely read and admired than *Chicago Poems*. Taken together, these three books contain some of the best verse published in the twentieth century.

When Edgar Lee Masters received the first Fellowship of the Academy of American Poets, carrying a five-thousand-dollar grant, his picture and a six-inch write-up of him appeared in the *New York Times*. No mention was made of *Lincoln: the Man*.[2] Praise of Lincoln from Illinois was one thing, criticism quite another. Sandburg's volumes were lauded to high heaven by reviewers who never read them.

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[1] *Boston Herald*, February 14, 1931.

[2] *New York Times* (April 12, 1946). Nor was this book listed among his works in his obituary: *New York Times*, March 7, 1950.

Environment, even heredity, can play strange tricks on us: Thomas Jefferson and John Marshall were not only cousins, but they grew up about the same time, in the same state, in the same county, and studied law with the same teacher—George Wythe. Yet no two men differed more deeply or sincerely as to the interpretation of the Constitution, the management of its federal government, or the purpose of the statutes of Congress. Jefferson went so far as to denounce the decisions of sacred Chief-Justice John Marshall as "twistifications."

Let us take a look at Sandburg before we go on to Masters. The six huge volumes of his *Abraham Lincoln* appeared between 1926 and 1939. They comprise a total of 3,309 pages. Angle writes of the last four of them: *Abraham Lincoln: the War Years* (1939) as follows:

> The four volumes of this work include well over one million words and make a book longer, by the size of a full-length novel, than all Lincoln's published speeches and writings; and longer, by an even greater margin, than the complete works of Shakespeare or the Holy Bible (56).

Sandburg's *Abraham Lincoln* contains everything but the kitchen stove, for he was an incorrigible reporter. Has anyone ever really read all those six volumes, from the first page to the last—or will anyone ever do so? Nor can Sandburg be relied upon. A work like his should stand up before the test of specialists—their sampling of its pages on subjects of which they may have accurate, if only minute, information.

Take up the second volume of Sandburg, *The War Years*, and see for yourself what he has printed of the "Great Draft Riots" in New York City during the summer of 1863. He devotes ten or twelve pages to this subject, repeating in print the stale, conventional account —according to which hundreds (if not a thousand persons) were killed in the course of those riots. Yet Isaac Newton Phelps Stokes published the third volume of his *Iconography of Manhattan Island* in 1918. There anyone who will can find a factual story of the riots as set down by a man who knew everything there was to be known about every inch of Manhattan Island, from its discovery by Hudson in 1609, until the year 1909. Stokes carefully concluded that the number of persons killed by the mob was eighteen at most, of whom eleven were colored.[1] Again: in 1925 Edward Channing published the sixth volume of his *History of the United States*, in which he placed this sentence: "The result was a riot that lasted several days and led to the killing of several persons and the sacking of the houses of abolitionists." One of Edward Channing's skeptical students found that his master was not far wrong—if wrong at all.

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[1] I. N. Phelps Stokes, *The Iconography of Manhattan Island, 1498–1909* (New York, 1915–1928), III (1918), 737–745, and V (1926), 1908–1910.

> On July 20, the New York *Tribune* published a "list of persons killed in the late riots, for whose burials certificates have been obtained." Seventy-four names were printed, nine of these of children between two and sixteen years of age. Many bodies, it was stated, were still concealed in boxes in the cellars uptown "awaiting removal." Four days later the *Tribune* estimated the total number of killed at from three to five hundred. . . . A careful examination of the death records of the city from 1853 to 1867 shows that if . . . a thousand people died in New York during the week of July 13 to 20, 1863, their corpses must have disappeared in some miraculous manner. The summer increase in mortality was regular for 1863, and whenever causes are given in the record, it is found that the increase was owing to the death of children. There is no evidence that any more than seventy-four possible victims of the violence of three days died anywhere but in the columns of partisan newspapers.[1]

Even if fact does not always catch up with fiction, surely Sandburg owed it to himself, and to his readers, to know what Channing had printed all of fourteen years before he wrote.

Now to *Lincoln: the Man*, by Edgar Lee Masters. In judging this remarkable book, we must remember first the date of its publication —1931. Though Masters uses footnotes sparingly, his book shows every sign of extensive reading and patient preparation. Much of it, however, must have been written after 1928, when Worthington C. Ford published the unfinished biography of Lincoln by Beveridge, for Masters leans heavily not only on Herndon, but Beveridge. Some of us can remember that the early 1930's were far from happy years. Charitable persons may choose to forget them. We were still living under the obscene curse of Prohibition—as if the only discipline for adults worth having were not self-imposed—the demoralizing results of which were long in disappearing.

In October, 1929, moreover, had come that complete collapse of national commerce and credit which Americans have obliquely christened "the depression." An old-fashioned panic is no longer called a panic; just as an undertaker is now a mortician; just as people no longer die—but "pass away" or "pass on"; just as men no longer kill their enemies, but "liquidate" them. However that may be, the stock market touched bottom in the summer of 1932—at which time anyone (who had any money left) could have invested it, and safely, at the rate of nine or ten per cent. By 1932, the four per cent. bonds of New York City were selling at eighty; so they who were canny enough to buy them at that price are now drawing interest from that fabulous city at the rate of six per cent., and are paying not a penny of income taxes to either state or nation. False stewards in important places ran Americans through the wringer between 1929 and 1933, and the people have not yet forgotten. Much of the bitterness, the hatred, and the fear of those years will be found in *Lincoln: the Man.* Masters had long believed that the United States started on its way down hill in 1861—down hill from the great days of Jefferson and Jackson. In 1931 he seems to have concluded that the country had gone to pot. So much for despair and bitterness, the first defect of this unique book.

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[1] Stewart Mitchell, *Horatio Seymour of New York* (Cambridge, 1938), 333.

Its author was careful to state at the very beginning: "This work is not in strictness a biography of Lincoln. It will deal, to be sure, with the events of his life, but rather as an examination of his mind and nature than as a year by year chronicle of his career." The volume is dedicated "To the memory of Thomas Jefferson, the preëminent philosopher-statesman of the United States, and their greatest President." The forebears of Masters had been Douglas Democrats in Illinois, during the days before the Civil War. A grandfather sat in the legislature of that state in 1855 and voted against Lincoln that year for senator of the United States. One of the most touching parts of this study recounts the surprise of Masters when, as a boy, he first learned this fact from the old man whom he admired.

Masters grew up into something of a radical. He became an ardent supporter of John Peter Altgeld (1847–1902), the first Democratic governor of Illinois after the War for Southern Independence. Altgeld, you will remember, was elected governor in 1892, for a four-year term, 1893–1897. On June 26, 1893, he pardoned the survivors of those convicted of murder in the Chicago Haymarket Riots of May 4, 1886. Four of those convicted had been hanged in November, 1887. These pardons raised a storm of protest. Then, in July, 1894, Governor Altgeld fell foul of Grover Cleveland, when that President sent soldiers of the Regular Army into Illinois to maintain order in Chicago during the Pullman Strike. Masters, although a Democrat, came to the sardonic conclusion that Cleveland, if not the "stuffed prophet" which Dana of the *Sun* liked to call him, was something of a fraud—"a banker's man." He believed that Cleveland's ineptitude ruined Altgeld's career and his life. *Spoon River Anthology* is a book of poems of defeat, frustration, and disillusionment, but some of the occasionally tender verses are devoted to Governor Altgeld. "Tell me," asks "Magrady Graham" from the graveyard of Spoon River:

> Tell me, was Altgeld elected
> And what did he do?
> Did they bring his head on a platter to a dancer
> Or did he triumph for the people?
> For when I saw him
> And took his hand,
> The child-like blueness of his eyes
> Moved me to tears,
> And there was an air of eternity about him,
> Like the cold, clear light that rests at dawn
> On the hills!

Except for the fact that Altgeld had been born in Germany, he might have been the Democratic nominee for President in 1896, instead of youngish, leather-lunged William Jennings Bryan—for whom Masters eventually voted. Altgeld took a second nomination for the office of governor that year, and was defeated badly. In 1900, Masters became a fiery anti-imperialist, and some of the most savage of the poems in *Spoon River Anthology* have to do with the American conquest of the Philippines, which we coolly purchased over the counter from Spain at Paris. He argued—and he still believed, as late as 1931—that the Constitution of the United States gave no authority whatever to the federal government to acquire and hold territory indefinitely as "territories"—as Alaska has been held for the past eighty years, and Puerto Rico since 1899. Here, once more, the popular decision went against him. Again, in 1917, Masters took umbrage at the domestic reign of terror which Woodrow Wilson, for some strange reason best known to himself, allowed to rage through this country until he had to leave office in 1921. Thus Masters was a professional dissenter. His political thought, in the words of Edmund Burke, was "the dissidence of dissent."

So much for available facts about the author of *Lincoln: the Man.*

Now to matters of opinion. In this regard, the study has two great weaknesses. In the first place, Masters is a victim of the political disease called "State Rights," that cave of lost causes, the last refuge of every hopeless American minority. He seems to think that George III, in 1783, approved a treaty which ceded from his Empire, or acknowledged the independence of, thirteen "sovereign states." One gathers, although he does not expressly make that statement in this book, that the contracting parties might better have signed thirteen separate treaties in 1783. Now, if anyone is bound, bent, and determined to believe that Delaware, Vermont, or Nevada, for instance—that sandy suburb of San Francisco—is a "sovereign state," there is nothing whatever to be done about it. Masters tries to prove his case by quoting at length from men like Calhoun, Taney, and Douglas, but he does not prove his case, even though the arguments he uses are as good as such arguments come.

Sovereign power in this country resides, as Washington pointed out, in the people, and the people seem to prefer, more and more, to work through the federal government. Masters, the old-fashioned Democrat, is stubbornly blind to the fact that the United States really consists, not of forty-eight "sovereign states," but of eight or nine huge sections, separated—and connected—by the accidents of geography, climate, and economic interest. The important question is just how long the American people will (and can) continue to afford to support the extravagance of forty-nine different governments.

Masters is pleased to forget, moreover, that the doctrine of State Rights came home to roost, and with a vengeance, in the very Confederacy to which that doctrine gave unhappy birth. The struggles of Governor Brown, of Georgia, and Governor Vance, of North Carolina, with the administration of the "despotic" Jefferson Davis at Richmond have been described most recently by Burton J. Hendrick, in *Statesmen of the Lost Cause* (1939). Before long, there were threats of secession from the South! Thus, while the armies of the Union were closing in from the North and West, and the coasts of the seceded states were cut off from the world by blockade, the leaders of the Lost Cause were wrangling among themselves over the proper understanding of the sacred doctrine which had taken them out of the Union. Mr. Hendrick concludes by quoting Professor Owsley: "If a monument is ever erected as a symbolical gravestone over the 'lost cause' it should have engraved upon it these words: 'Died of State Rights.'"[1]

Another fault of the book, again a matter of opinion rather than fact, is the author's failure to allow for change and growth in the character of Abraham Lincoln. He cannot forgive the back-woodsman of the frontier who preferred Henry Clay to Andrew Jackson. Lincoln's mind, he decided, was "divided"; he himself was not always aware of what the author calls the "dishonesty of his inconsistency." For Texas to secede from Mexico in 1836 was all right, but for South Carolina to secede from the Union in 1860 was all wrong. Moreover, he places undue stress on Lincoln's envy of Douglas: all the political ambition of this "lazy man" sprang, so Masters believes, from the hope to equal the political and financial success of his rival—and from the nagging of a neurotic wife.

We know that Lincoln, like many skeptics, had a strange vein of superstition in his nature. He set great store by his dreams. This contradiction is not uncommon in unbelievers. Julius Caesar, who stated on the floor of the Roman Senate that every superior man knew that death was the everlasting end of life, is a famous example of that curious mixture of doubt and credulity. About the only form of growth in Lincoln's mind and nature which Masters seems willing to acknowledge is the disappearance of his uncanny fear of assassination—and this, oddly enough, only shortly before he died at the hands of Booth! Like Caesar, again, he came to believe that he was the darling of fate; power, which, Lord Acton warned Creighton, "corrupts" man, gave Lincoln a sense of supreme confidence at the very last—he walked about the recently captured city of Richmond almost alone and unguarded!

Far too much has been written on this vexed question of Lincoln's faith—if, indeed, he had any faith at all. Was the President who used the language and the lore of the Bible in his official proclamations actually a Christian? So far as is known, Lincoln never joined any church, but what a man really believes is often the very last thing which can be learned about him. When someone put this question to Aaron Burr on his deathbed, he received the arch reply: "On that subject I am coy." Lincoln has been called a Christian, an Agnostic—even an Atheist, according to varying judgments of those who observed him. Masters is decided on the subject: Lincoln was, first and last, a "Jehovah Man," "an Hebraic-Puritan" (206–211), who loved the language and bowed to the laws of the God of Battles of the Old Testament. "John Brown's Body" and Mrs. Howe's "Battle Hymn of the Republic" were apt and proper expression of his spirit (444–445). Masters returns to this attack time and again. It must be admitted that he uses Lincoln's own words and his quotations from the Bible with telling effect. Yet it is difficult to escape the suspicion that, because Masters obviously hated Christianity, he was more than pleased to make an Old Testament Christian of Lincoln.

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[1] Burton J. Hendrick, *Statesmen of the Lost Cause* (Boston, 1939), 11.

Yet there is a real difficulty here: how could the mocking backwoodsman of Illinois call the people of the United States to "fasting and to prayer" for victory? How could the superstitious believer in dreams—see the telegram he sent to Mrs. Lincoln at Philadelphia, June 9, 1863—utter these ugly words taken from the Second Inaugural?

> The Almighty has his own purposes. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

Such words—no matter whose they may be—are worse than nonsense: they are wicked nonsense. Here, in a nutshell, is the devious doctrine that the tragic consequences of the mistakes of men, even of their misfortunes, are nothing more than just punishments for their "sins." Acting on this ancient belief, men have killed one another in battle, court, and cold blood since the days of Moses. Athens, to be sure, compelled Socrates to commit suicide, but since that day no other man has ever been put to death in his name. Masters was a Greek, not a Christian; a citizen of Athens, not Jerusalem. Lincoln, it should be added, was at his best when he did *not* quote the Bible: "We shall nobly save or meanly lose the last, best hope of earth"—words do not work better than that.

The only book which invites comparison with *Lincoln: the Man* is that study of Napoleon Bonaparte which Jules Michelet brought out during the bitter days after the fall of the Second Empire. But Michelet, in the quaint language of Calvin Coolidge, "overdid the operation": when he got through with the first Napoleon, there was nothing worth while left of the splendid criminal from Corsica. Masters cannot be said to have made that mistake. He takes care, indeed, to stress many points in Lincoln's favor. Here are some of them in brief. His ancestry, descended, as he was, from the Lincolns of Hingham, Massachusetts, was far better than he knew.[1] He was physically strong, but, unlike many strong men, he never played the bully. His education was not to be despised: if, as Herndon says, "he never read a book through," and did not read even one of the great works which came out during his lifetime, Lincoln looked into a lot of books, first and last, and seems to have remembered what he saw. He had, in fact, a remarkable memory and a healthy sense of humor. His efforts to write poetry had a good effect on his prose style; he developed "more power of expression than any president but Jefferson" (147).

He was always an honest lawyer, though not so successful at making money at the bar as were some of his rivals. He refused to join a church even when it would have been to his political advantage to do so. His "raciness of illustration" in public speaking was "notably capable," and his first political speech, made when he was only twenty-three, was utterly devoid of the bombastic oratory which was then in vogue. "The nomination of Lincoln," continues Masters, "was a case of perfect judgment on the part of a convention"—he was a far better choice than his chief rival, Seward, and the record is clear that he made no promises of any kind to anyone to get that nomination. Masters finds a "singular mastery of words" in the First Inaugural: indeed, there was not only "something of the poet" in Abraham Lincoln; there was "a touch of genius" (275–276).

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[1] *The Massachusetts Spy* (Wednesday, April 23, 1823), page 4: two-thirds of a column of advertisement for: "Anderson's Cough Drops and Pectoral Powders. The most valuable Medicine ever used for COUGHS, CONSUMPTIONS, and ASTHMAS. . . . Sold by ABRAHAM LINCOLN, and JEREMIAH ROBINSON, Worcester. . . . Price, One Dollar for large, and Fifty Cents for small bottles. Oct. 30, 1822."

Masters himself knew how to use words—not a page of his book is dull. Though the author had obviously read widely, his learning is never ostentatious. Some of his passages are unforgettable—quite as good as anything Sandburg has written. Take, for instance, the description of Springfield, Illinois, in 1847:

> But now there were to be long days in Springfield, and about the circuit. It is a part of Illinois where the summers are unspeakably hot with all vitality gone out of the air; and of winters where the cold is bitter, down to zero and below for days at a time, with great snow and piercing winds. At that time the town, with no paved streets, was fogged with dust in the long summer days; and in winter the mud was fathomless, into which the farmers' wagons mired to the hubs about the square of the capitol. Let us take a summer day: Lincoln is in the law office on the second story of one of the small buildings on the square. What is he doing? He is reading newspapers, or else he is lying on the old sofa, or else he is talking to some man from the country, or a near-by town about some matter of law; or else he and Herndon are discussing politics, or Herndon is telling Lincoln what some book that he has read says about this or the other thing. Outside there is almost complete silence on the square. Some man may be calling to another on the street, or boys may be playing, with an occasional shout. A farmer's wagon goes by with the wheels chuckling. A dray passes rapidly making a rattle for a time, and sending up clouds of dust. Grocerymen and butchers are standing in their doorways; there is no trade for the moment. Well dressed clerks in the dry goods stores have come to the front door for air; they are looking about, and up at the sky. Perhaps it is going to rain. The air is very close. Perhaps there are clouds and the far rumble of melancholy thunder. Or a bell may be tolling, already the hearse is going by. The banker is bent over his ledger; one can see him through the front window. Once in a while one may hear the click of a billiard ball. Some of the entrances breathe forth a cool air weighted with the odor of lager; and a man may be staggering from some saloon, or reeling on his way to his horses, hitched to the rack of the square, where he may untie the halter and go home to the farm. Idle walkers pace the streets with nothing to do. It is too hot to work, or there may be no work. In the clerk's office of the court house scriveners are making entries in the books of record; while a farmer may be asking the clerk about some deed or document. Outside again a temperance lecturer is talking to someone on the corner, and making prophecies of what will come to pass. Some day there will be no saloons, no pool rooms, no men staggering about. All will be order, thrift, happiness at home. On another corner the ubiquitous savior of his country is telling someone whom he has buttonholed what is necessary to be done, and how it was that Lincoln fell down in Congress, why he is now upstairs in his office on this hot day, back again in the practice of law. Farther on an old fiddler, such as used to go to the country fairs, is playing old Celtic tunes on a squeaky fiddle, tunes which remind one of far-away Munster, or of Kentucky or Tennessee. And how strange the people look in their hats and trousers, long ago vanished out

> of memory, to us who are here now in life. And meanwhile far and near over this town of 4553 people housewives are cooking and washing and hanging out sheets and shirts on the line. Black coal smoke pours from chimneys; or it may be here and there the fragrant mist of burning hickory or maple. Whatever is going on, there is much futility here. One feels it to the point of melancholy. And if it be the end of the summer and the exhausted leaves are drifting down in the silence of the sunshine one thinks of far places, and is sure that somewhere something is going on that is worth while; and that there are life and happiness in lands of better circumstanced people (109–110).

Yet there are flights of fancy and strange outbursts of whimsey here and there throughout the volume. We all know that the South was notoriously unlucky in the Civil War; she lost Albert Sidney Johnston at Shiloh in 1862, and Thomas Jonathan Jackson at Chancellorsville in 1863—not two months before Gettysburg. Not one Union general of distinction perished in the field—or even died in his bed during the course of that war. Yet, if "Stonewall" Jackson had lived, writes Masters, "the South would likely have won the battle of Gettysburg" (441). These ifs of history are pleasant toys. That battle, you will remember, came within an ace of taking place at Cashtown, Pennsylvania. The comment of Masters on this quirk of fate is characteristic:—"the Cashtown address would not have suited the Muses of Memory as the Gettysburg Address has" (442). Lincoln, avers Masters, had good luck all his life; and it is difficult not to agree—in view of what happened to Andrew Johnson at the hands of political seraphs like Ben Wade and Thaddeus Stevens— that he was lucky even in the moment of his death. It was Horace Greeley's feud with Thurlow Weed that took the Republican nomination away from Seward in 1860, but Lincoln was the beneficiary of their political quarrel. If we are to believe Masters, Lincoln was "a cold fish," who never in his whole life called anyone by his first name except Herndon; yet he had a host of loyal and devoted friends. It should be remembered that some men are slow to use first names, not because they are cold, but because they are shy. Some readers will suspect that Masters calls Lincoln "under-sexed" merely because he was not lewd in his private life—like poets, or Aaron Burr and Alexander Hamilton.

Hero-worship, continues Masters, has distorted even the physical facts. Legend gives Lincoln a bass drawl; actually his voice was treble, if not shrill. The big brown eyes of the popular pictures were, according to his own account, small and gray. This ambitious, calculating man married "out of herd instinct," and with a keen eye to the main chance; he begat a sly son who sat out the Civil War safely in Harvard, accepted three great national offices which were offered him merely because of his last name, and presided for many years over a corporation which was long infamous because of the low wages it paid the negro porters in its service.

When Masters reached the year 1849 and the end of Lincoln's service in the House of Representatives, he paused in his narrative to compose a seventh chapter: "Lincoln: the Man," from which he took the title of his book. Here he collides, head on, with the extravagant admiration of the myth. This back-woodsman became a Whig, he avers, because he wanted to rise in the world, and because most of his successful neighbors were Jackson Democrats. He was, insists Masters, the political son of Hamilton, not of Jefferson. Like Daniel Webster, he had "a divided mind," and especially on the nature of the Union: did not Webster say one thing in 1830, and quite another nine years later? Lincoln, the actor, was a lawyer for juries; clients never hired him to persuade judges. Fear always made him cautious; thus his lifetime study of *Chitty on Pleading* prompted him to rest on the defensive whenever he could, while luring his opponent into action—to make him play the fool, if possible. Fear, again, was the secret even of his compassion: "For animals in distress, mired down or wounded, for a crippled man, for negroes in manacles, he had pity, which was his own indifference obverted: he would not want to be so treated himself, or to be in such a state. . . . Children, as helpless creatures, thus awoke his liveliest affections, not to mention æsthetic appreciation of their beauty. But tenderness for women is another matter. It is clear that he might have been deeply attached to some woman. The tragedy is that he never was." All this smacks of modern psychiatry: heads, I win; tails, you lose.

Even if Lincoln had read Æsop, Euclid, Burns, Byron, Milton, and Shakespeare between 1846 and 1861, his favorite way of passing the time, declares Masters, was to stretch out on the couch in his office at Springfield, and there lie for hours poring over newspapers—*The National Intelligencer* and Greeley's New York *Tribune*. According to Herndon, Lincoln read only what Herndon told him to read, and casually, but he could "readily quote" whatever he had read. Masters accuses him of playing the sophist when he thought it safe for him to do so—as in the case of Texas, cited above. Loose thinking of this sort is more common than we like to admit. All of us hear this kind of nonsense nowadays: Ireland has the divine right to secede from the United Kingdom, but for Ulster to refuse to join that secession—and "partition" the island, that is monstrous! Discussing Lincoln's first year as President, Masters observes: "His stubbornness in sticking to a position was an evidence of weakness" (305). Lincoln was "profoundly an actor"—as, indeed, all preachers, teachers, and jury lawyers ought to be—his amazing gift of mimicry was one proof of this. But his life has been studied, protests Masters, through the "magnifying glass of awe and reverence" in order "to bring out virtues and abilities not visible to the naked eye of realistic examination" (452).

In reading Masters, we should remember that historians are prone to justify, if not to glorify, the winning side. Tacitus, with his dim view of the upstart and frequently insane Caesars, is a famous and a shining exception to the rule; so is Edward Gibbon, with his serene contempt for the triumphant Christians. This notorious weakness of the profession provoked the tart gibe of Dean Inge: "Historians are poor hands at predicting the future, but they have a power, not claimed even by the Deity, of altering the past. They always back the winner—after the race."[1] Yet the gruesome fact that we had our glorious Civil War cannot be avoided, added to the fact that the North won that war—at a cost of eighteen billion dollars and five hundred thousand dead Americans, the very pick of the people.

We cannot escape by quoting Benjamin Franklin's very famous and very foolish statement: "There never was a good war or a bad peace"—this from Benjamin Franklin, who worked mightily to win one of the best of all wars, and who ought to have heard of the Peace of Theramenes, or that of Westphalia. We who can remember Brest-Litovsk (1918), Versailles (1919), and Munich (1938) know far better. Some of us seek refuge in the hindsight heresy of Avery Craven: "the irrepressible conflict" was not "irrepressible." Both North and South, observes Masters, had need of more patience, understanding, and good will. The Union had been founded on compromise; on compromise it could have been continued, and with safety. The war, he believed, was the reckless work of malignant minorities from both North and South, and Americans learned, but a little late, that they fight too well to fight with one another. Indeed, the spectacle of both Confederacy and Union imposing conscription—excuse it please: "selective service"—in order to raise soldiers for a war each side is supposed to have wanted, is enough to make a Jewish Jehovah smile.

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[1] William R. Inge, *A Rustic Moralist* (New York, 1937), 251.

If what President Lincoln did in 1861 was wrong, then what should he, or could he, have done to be right? In trying to answer his own fair question, Masters perverts one important fact and overlooks another. Lincoln, according to the count of the popular vote in 1860, was unquestionably a minority President. He polled 1,866,452 votes as against a total of 2,813,741 for Douglas, Breckinridge, and Bell, put together. Yet it has been proved that, even if all those 2,813,741 votes had been cast for any one of his opponents, Lincoln would still have got a majority of thirty-five votes in the Electoral College. This is a very significant commentary on our present method of choosing our Presidents, for were this to happen a second time, and with only two candidates in the field, there might be serious trouble—even in that "more perfect Union" which the founding fathers of 1787 set out to find. The question of just how perfect can be made "more perfect" ought to be referred to the Supreme Court. But Masters writes: "If Douglas had received the whole Democratic vote he would have been triumphantly elected" (357 and 372). This statement simply is not true, and Masters should have known that it was not.

Nor did he know—or remember—that, although the Republicans elected their candidate for President in 1860, they failed to carry either the House or the Senate. This strange political contradiction has occurred only twice in our history. The first time was 1848, when the political spite of Martin Van Buren, carrying the banner of Free Soil—"Free Spoil," snorted Webster—defeated Lewis Cass, and elected Zachary Taylor; while the Democrats won majorities in both branches of the Congress. In 1861, then, the Democrats still had the Supreme Court, and could have had both House and Senate—had eleven states not tried to flounce out of the Union. The rabid men of the South no longer trusted their fellow-Democrats of the North—not even after eight years of Pierce and Buchanan. That rage can always conquer reason is the central tragedy of history. Yet what a cruel misfortune it was for the United States that Cass, of Michigan, Marcy, of New

York, and Douglas, of Illinois, did not succeed in 1848, in 1852, and in 1856. We should not have missed Taylor, Pierce, and Buchanan any more than the British would have missed Baldwin, Macdonald, and Chamberlain between 1923 and 1939.

But to resume: if what Lincoln did in 1861 was wrong, what should he have done to be right—and thus prevent the Civil War? Masters has all his answers ready, for it is easy to be wise after the event. First: Lincoln should have accepted the Crittenden Compromise (344). Second: he should have called the Congress into special session at once, instead of allowing four months to intervene—during which time Fort Sumter was fired on, and fell—and Virginia, North Carolina, Tennessee, and Arkansas went out of the Union. During those four months Lincoln called for an army, and suspended the writ of Habeas Corpus (408–410). Masters has a strong case when he complains of that tragic delay between March 4 and July 4, 1861. The best reasons for that delay have been stated by our colleague, Mr. Bullard.[1] Masters dubs it the Four-Months' Monarchy (379–401), and likens Lincoln to Charles I, who ruled England without a Parliament for eleven years—and lost his crown and his head in consequence.

Thereupon follows this surprising passage: "Who knows, the unknown father of Nancy Hanks may have had the blood of Charles I in him? Thus by a strange circuit from England to Virginia, thence to Kentucky and to Illinois, may have come from arbitrary royalty, this rail splitting man, who was not modest and not humble, but was self-confident and self-assertive" (400). A Cavalier from Virginia, it appears, was probably the unknown father of Lincoln's mother! No one would dare to deny that a great number of boys and girls had Charles II for their father, and some of these, or their descendants, may have come out to the New World. But Lincoln's maternal grandfather had better remain an algebraic symbol.

If Lincoln had allowed the "erring sisters" to "depart in peace," as Greeley urged him to do, the Civil War, so Masters believes, could have been avoided. History, our Devil's advocate declares, would have repeated itself. Just as North Carolina, in 1789, and Rhode Island, in 1790, were dragged into the original Union, so "The same thing would have happened with the seceding states in 1861. Economic pressure would have brought them back, without the shedding of a drop of blood" (331). This is a dubious thesis, at best. In other words, secession was a "sovereign" right of "sovereign" states, but secession would not have worked!

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[1] See "When Lincoln 'Ruled' Alone," 301–349.

In criticizing the Cooper Union Speech, Masters is preëminently sound in dissecting the most horrifying hypocrisy of our time. After quoting Lincoln's famous "Let us have faith that right makes might; and in that faith let us to the end dare to do our duty as we understand it"—Masters observes bravely: "Yet right does not make might; but might is always sufficient to itself, and is most wrong when pretending to be right, and is wrong" (350). This brings us to the dead end of the blind alley of our sentimental optimism. We are told that Democracy has defeated Dictatorship—and this in spite of the sinister circumstance that the most redoubtable of all dictatorships—the autocratic minority government of Russia—made the second, if not the first, of the desperate powers of the alliance which conquered Italy, Germany, and Japan. Paraphrasing Lincoln's famous aphorism, Masters concludes as follows: "For you can fool all the people some of the time, and that is enough" (357). The failure of the War for Southern Independence proved no more than this: that, given three men of equal strength, two of these can always beat up one!

In the grim period between the First and Second World Wars, some people liked to say that "war never settles anything"—a statement typical of those dreary days. War settles everything—but whether war decides matters rightly or wrongly—that is quite another question. In 1848 the United States took California and the Southwest from Mexico. Whether it is just for us to hold that territory today—the answer to that question will depend on whether we live north or south of the Rio Grande. Again, the right of a state to secede was debated from the very foundation of the Union. It was tried in 1860, and it failed in 1865—and Masters, as we have seen, believes that it would have failed because of "economic pressure"—even without the Civil War (331). Two of his pagan conclusions are of interest. In his careful analysis of Lincoln's famous speech of June 16, 1858—"A house divided against itself"—he lays great blame on Lincoln as a fomenter of disunion, and is none too reverent in discussing the uncompromising words of Joshua of Nazareth (Mark 3: 23–26). Lincoln, complains Masters, "was the first president to introduce the cant and hypocrisy of Christianity into American politics" (156). The first, perhaps—but not, unluckily for us, the last.

Reflecting on the national tragedy of the Civil War, Masters laments, "the Union was destroyed by the War between the States" (320), which "demonstrated that salvation is not of the Jews, but of the Greeks" (494). Nor does he spare the feelings of those gullible human beings who believe that everything happens for the best in the best of all possible worlds. "Reconstruction was a smoking chimney which drove rats and bats and snakes into the room of American life" (487). Is he too far wrong? No great literature has come out of that war, continues Masters, and none will ever come, because "liberty was dishonored and destroyed" (495). In one sense, he insists, the United States was conquered by foreigners, for the North had been filling up with immigrants from Ireland and Germany during a quarter of a century—men to whom the aspirations and the ideals of the American Revolution and the government of the United States were utterly alien (443–444). In this connection, it is interesting to remember that the South, to this very day, is the most nearly native English section of the United States—and the most thoroughly reliable as to national loyalty in matters of our foreign relations.[1]

The difficult question of negro slavery has been left to the very last, not because slavery was the occasion rather than the cause of the Civil War, but because the pages which Masters devotes to this painful subject are the most independent, clear-sighted, and potent in his book. The author, as we have seen, distrusted Hamilton, Clay (Lincoln's "beau ideal of a statesman"), and Webster; he adored Jefferson, and admired Jackson and Douglas, but with important reservations. Slavery has been called a "moral issue." Masters admits that it was an "anachronism" in a republic of the modern world (436). He agrees with us that it was a wasteful form of labor, and he believes that it was on its way out by 1860. At that time, property in slaves was estimated to be worth about two billions of dollars, and Lincoln's plan for compensated emancipation, he grants, made real sense (436).

For Masters, however, "The word 'moral' is akin to the word 'sacred,' and has the same effects on thinking" (39). "Most so-called

[1] Years ago a student at Harvard heard a cynic from the South declare, time and again, that the Civil War was a struggle "in which armies comprised chiefly of immigrants from Ireland and Germany conquered native-born Americans for the purpose of robbing poor blacks from Africa of the social safety of slavery."

moral principles are illusions" (428). His ruthless comparison of negro slavery at its best with our current white wage-slavery at its worst hits hard, and hits where the hitting hurts. The men who framed the Ordinance of 1787, as well as the Abolitionists, "labored," he insists, "under the economic delusion that to work *and receive wages* was liberty; to work *and be supported* was slavery; and that if a man could sell his labor freely he was a free man even though he had not a single civil right" (89). People who declared that they would be "ashamed to subsist on the labor of the slave" were quite willing to live "on the labor of hired men, working for corn bread and bacon and a place to sleep in a sod house, or log cabin" (348).

Lincoln himself acknowledged that negroes could not flourish on terms of equality with whites, even in Illinois; so he played with vague plans for colonization of the unhappy Africans. Yet Lincoln's thoughtful notes on the case against negro slavery are the best available, and cannot be refuted. Here they are:

> If A. can prove, however conclusively, that he may, of right, enslave B.—why may not B. snatch the same argument, and prove equally, that he may enslave A?—
>
> You say A. is white, and B. is black. It is *color*, then; the lighter, having the right to enslave the darker? Take care. By this rule, you are to be slave to the first man you meet, with a fairer skin than your own.
>
> You do not mean *color* exactly? You mean the whites are *intellectually* the superiors of the blacks; and, therefore have the right to enslave them? Take care again. By this rule, you are to be slave to the first man you meet, with an intellect superior to your own.
>
> But, say you, it is a question of *interest;* and, if you can make it your interest, you have the right to enslave another. Very well. And if he can make it his interest, he has the right to enslave you.[1]

We like to call negroes *free*. Let us throw off our humbug and hypocrisy and look about us, honestly. Freedom and equality for the American negro today is, to use the effective words of Lincoln: "Soup made from the shadow of a starved pigeon." These "sable" citizens live among us like Spartan helots, hewers of wood and drawers of water; and such, we have to fear, they will remain. Whenever two races occupy one area, one or the other will dominate, and North America seems likely to continue to belong to white men. Worse still, negro suffrage fastened the curse of a single-party South upon our country—a "Democratic" South, governed by "poor white trash"—the Talmadges, the Heflins, the Bilbos, and the Rankins. Emancipation made the negroes "free"—free to come North and crowd into the black ghettos of Harlem, Philadelphia, Chicago, and Detroit, where their decisive vote is now the football of both parties.

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[1] Roy P. Basler, *Abraham Lincoln: His Speeches and Writings* (Cleveland and New York, 1946), 278.

They make one of every ten of us—fifteen millions out of one hundred and fifty millions. If only they were spread thin throughout the Union at that ratio, they would fare far better than they do. In Vermont a negro is a happy curiosity. But the cruel fact is that they are *not* spread thin: in several of our states they actually outnumber the whites, a completely impossible state of affairs for any reasonable hope for universal adult suffrage in those states. None of our national problems is so dark and so discouraging as this. If the negro is no longer a "slave," he has no real freedom. Disguise yourself, and live his life—on trial. "Things and actions," wrote Bishop Butler long ago, "Things and actions are what they are, and the consequences of them will be what they will be; why, then, should we desire to be deceived?" Masters put that unpopular truth another way: "God is not mocked, may be said by the atheist even, provided he understand that cause and effect are inevitable in human life" (481).

In taking leave of *Lincoln: the Man* let us turn at last to two poems of two other poets—complete contemporaries, yet not sympathetic to each other—both of whom did Lincoln the disservice of excessive praise: James Russell Lowell (1819–1891) and Walter Whitman (1819–1892).[1] We have to do with what is probably the best poem of Lowell, and the worst of all the bad poems of Whitman. Lowell concluded the sixth stanza of his "Harvard Commemoration Ode," July 21, 1865, with the following fine verses in praise of the dead President:

So always firmly he:
He knew to bide his time,
And can his fame abide,
Still patient in his simple faith sublime,
Till the wise years decide.

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[1] Whenever the author of this paper succeeds in persuading himself to refer to Alf Tennyson, Bob Browning, and Matt Arnold, he will surrender to the vulgarism, Walt Whitman, though the pert familiarity with which Benjamin Jonson has been treated for three hundred years is too firmly entrenched to combat.

Great captains, with their guns and drums
Disturb our judgment for the hour,
  But at last silence comes;
These all are gone, and, standing like a tower,
Our children shall behold his fame,
  The kindly, earnest, brave, foreseeing man,
Sagacious, patient, dreading praise, not blame,
New birth of our new soil, the first American.

Two words—"dreading praise"—were truly prophetic. But by what measure of time or eminence can Lincoln be called "the first American"? In point of time the title would belong to Franklin; in point of eminence, to Washington. Such extravagance provokes resentment. Lincoln himself would have laughed it to scorn.

If the "Commemoration Ode" is one of the noblest of all the great poems which have come out of this continent, surely "O Captain! My Captain" is not. Although schoolboys have spouted it *ad nauseam*, it simply will not do; the bathos of it leaves one to lament that Whitman could not have bowed Lincoln into immortality with "When Lilacs Last in the Dooryard Bloomed"—and let it go at that. He could not, because he would not, for, like all great poets, Whitman was incapable of separating his own work into the good, the bad, and the indifferent.[1] Yet this commonplace elegy is becoming part of our national folklore!

The sad truth is that Whitman, like many men of genius, had a streak of fraud in his make-up, and his admirer, Mark Van Doren, did not dodge the fact. Not only did he pose once for a famous photograph with an artificial butterfly perched on his forefinger, the secret side of his dual nature was something of an enigma, even to his devotees. From the contributions of his disciples to his indigent old age he saved a goodly sum to pay the cost of an expensive monument at his grave in Camden. Like Augustus he took care to "play his little part well."

> He was tall and heavy, but he was not the robust individual he claimed to be. Both his body and his mind moved slowly, dreamily. His eyes, as may best

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[1] That the author of "The Last Invocation" could have contrived, and printed, such embarrassing lines as the following is incredible, but true:—

"The pure contralto sings in the organ loft."
"How plenteous! how spiritual! how resumé!"
"Here is adhesiveness, it is not previously fashioned, it is apropos."

be seen in the portraits of 1855, 1863, and 1869, were heavy-lidded and uncommunicative; Emerson spoke of them as "terrible"; John Burroughs called them "dumb, yearning, relentless, immodest, unhuman." Burroughs also is authority for the statement that Whitman's body was "that of a child," and that there was always "something fine, delicate, womanly in him." He was more than moderate in his habits, he was fastidious; he never smoked. He was fond of cooking, bathing, and nursing, and he always paid the strictest attention to the dress both of himself and of his acquaintances. As a very young man he was a dandy; after he came back from New Orleans he cultivated the rough garments which in the early photographs made him famous; later on, in Washington, he carefully prescribed the fashion in which his shirts should be made, and invariably wore a gray suit; in his old age his open, lace-edged collar revealed a smooth, delicate neck, he wore in his shirt-bosom a pearl stud approximately an inch in diameter, and he regularly bathed his face and hands with eau de cologne.[1]

So, if three poets have outdone themselves in dangerous praise of a great man, we should thank the fourth for having had the courage to do his best to redress the balance of judgment. When, in 1859, Lincoln wrote to a friend, "Seriously, I do not think I am fit for the presidency," the ruthless Masters observes that he never appraised himself better (314). The old Whig, George Lunt, of Boston, author of *The Origin of the Late War* (1866), who saw Lincoln and his friends at close range both in 1848 and 1860, seems to have come to precisely the same conclusion (106 and 362–363). Masters is remorseless: "Our greatest Americans are Jefferson, Whitman and Emerson; and the praise that has been bestowed on Lincoln is a robbery of these, his superiors" (494). But this is a petulant opinion of praise, for the quality of greatness is not merely relative: there is something absolute about the best of it. Jefferson, Whitman, and Emerson can rest in peace, even if some of us are so blind as to believe that Lincoln was at least their equal in excellence. Masters might have clinched his case had he proposed the name of another—George Washington.

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[1] *Dictionary of American Biography*, xx. 146.

Biographer's Bait
A Reminder of Edmund Quincy

By M. A. DeWolfe Howe[1]

More than thirty years ago John Jay Chapman, in a letter about his grandmother, Maria Weston Chapman, and other Boston abolitionists, wrote these words: "The man who could have stood a volume was Quincy; who was a wit—and every letter of his in the Garrison life casts as much light as a bush-burner on the queer crowd of enthusiasts he spent his life with."

Chapman was not alone in thinking Edmund Quincy worthy of a biography, for the late Charles Francis Adams, whose sister Mary married Edmund Quincy's son, Henry Parker Quincy, brought together many letters and fugitive writings of Edmund Quincy, apparently with the purpose of writing his biography, and left them in our Library as one of many tokens of his devotion to the Society of which he was President for the last twenty years of his life.

In recent years these papers have tempted me more than once to explorations which, at an earlier stage of my own existence, might well have led me to attempting what Mr. Adams did not undertake. This in its entirety would be found a task to which a vigorous young scholar might devote himself with highly rewarding results. Whether or not such an adventurer may be incited to take it up, some specimens of the material for his study may be of interest to others than the not impossible future biographer.

First of all let us see who and what manner of man this Edmund Quincy was. The second son of President Josiah Quincy of Harvard, he lived from 1808 to 1877. He was graduated from Harvard in 1827 and studied law, which he never practised. Instead of this, "early in life," according to his most sympathetic friend, James Russell Lowell, "he devoted himself deliberately to the somewhat arduous profession of gentleman." The murder of Elijah Lovejoy in 1837 turned him instantly into an ardent abolitionist, working hand in glove with Garrison, Wendell Phillips, and the other enthusiasts until their cause was won. Like many of this company of reformers,

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[1] This paper was read at the January, 1945, meeting.

Quincy did not satisfy himself with abolition only, but espoused the causes of woman suffrage, temperance, and nonresistance in a form which would now be held the extreme of pacifism. In the furtherance of these causes he made lavish use of his effective powers of expression, in writing and in speech. Apart from his causes he wrote short stories, a novel, *Wensley*, highly regarded in its day, and a notable biography of his father, and he made important contributions to the *Atlantic Monthly*. Among his fellow reformers he stood virtually alone in the possession of a lively wit and a broad cultivation. These gifts did not save him from abuse and condemnation in respectable circles. Not that he cared greatly, for he wrote: "I have been called the Prince of Bigots, His Anti-Slavery Highness, an aristocrat, a hyena, and a squash: and have possessed my soul in patience."

The papers in the keeping of this Society are of a bulk little short of terrifying. They consist chiefly of three extensive, minutely penned journals and of innumerable letters to his wife, to other members of his family, and to a few such friends and fellow workers as Maria Weston Chapman. There are, besides, many books of clippings of his contributions to the press, especially the *New York Tribune*, the *Independent*, and the *National Anti-Slavery Standard*, of which he was the Boston correspondent for about twenty years beginning in 1844. It is upon the letters printed in the last-named New York journal that I shall draw in the following pages. All his writings for the press belong to a class of superjournalism that flourished a hundred years ago, in which a writer of true intelligence and taste could assume that he and his readers could meet on common ground.

Quincy's letters to the *National Anti-Slavery Standard* were usually signed "D.Y.," and it seems a reasonable guess that the pseudonym derives from the final letters of the names "Edmund" and "Quincy." On the back of one of James Russell Lowell's letters to him "D.Y." was expanded into "Mrs. Deborah Yerrinton"—possibly in recognition of a Boston journalist of their time, J. M. W. Yerrinton. Be that as it may, Lowell thought so highly of Quincy's letters that in a list of the writers of "real letters" in a prose portion of his *Biglow Papers* he included "D.Y." in the company of Gray, Cowper, Walpole, Howell, and Lamb. The indulgence of a partial, and humorous, friend may have entered into this inclusion. The same friend, in his "Letter from Boston," describing some of the abolitionist figures of 1846, had also this to say about Quincy's letters:

Good letters are a gift apart
And his are gems of Flemish art,
True offspring of the fireside Muse,
Not a rag-gathering of news,
Like a new hopfield which is all poles,
But of one blood with Horace Walpole's.

The letters are by no means confined to antislavery matters but deal with a great variety of local, sometimes merging into national, topics. The Harvard Overseers' rejection and later confirmation of Francis Bowen as professor;—his father's connection with the University did not at all hamper Quincy's handling such affairs at that institution—the Parkman murder; a prophetic word in 1859 about John Brown—"Virginia may kill John Brown, but she cannot hinder his ghost from walking and haunting the bedsides of the whole slaveholding South";—such varied matters, with many flings at all that was most respectable in Boston, pass in spirited review. There are also interesting reminders of an earlier time than Quincy's own. Take, for example, his reminiscences of Aaron Burr:

> I remember seeing Colonel Burr once in Broadway, and have a perfectly distinct impression on my mind of his look at that moment—a little old man, in a rather shabby great-coat and hat, with a quick, keen look out of his eyes, as he passed. I have always been sorry that I did not seek out an interview with him, as he was accessible and courteous to young men desirous of conversing with him. I think Mr. Wendell Phillips told me that he once paid him a visit and was most kindly received and entertained. Possibly, though I never thought of it before, that gentleman may have contracted the tendency to treason under which he labours, and which seems to have become chronic in his case, by contagion from this proverbial traitor of our youthful days. Colonel Burr arrived in this port from Europe, as you may learn from Mr. Parton's Whitened Sepulchre of him, or from his Journal, in two volumes, published by Matthew L. Davis, in 1838. He was here *incognito* for ten days or a fortnight, mainly from the impossibility of raising the money necessary to take him to New York—though the necessity of making some arrangement with the government and with his creditors, as to his indictments and his debts, had something to do with it. He lived at the boarding-house of Mrs. Goodrich, on the spot, and perhaps in the very building, where Young's Coffee-house now stands, behind Joy's Building, where you and I have dined together, and which is memorable as being the place where Pat Riley (I think it was) arrested Shadrach, on the day of his memorable rescue. The particulars he gives of his adventures and of the people he saw are very amusing to an old Bostonian who remembers the people. It was President Kirkland who finally provided him with the means of escape, by paying him forty dollars for Boyle and Moreri for the College library.[1]

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[1] *National Anti-Slavery Standard*, January 16, 1858.

Look again at this bit from his letter of August 4, 1851, apropos of travel in Massachusetts:

> I well remember hearing no less sagacious a person than John Quincy Adams vastly amused at the idea of the Worcester Railway when it was first suggested. "The Providence Railway may pay," said he, "for the whole Southern travel must go that way; and the Lowell road may answer, possibly, on account of the large amount of raw materials and manufactures that must pass over it. But who wants to go to *Worcester*? And what is to come from *Worcester*? Ha,Ha,Ha!" And yet, though then near seventy years old, he lived to see Massachusetts stretched, like another St. Lawrence, upon a perfect gridiron of Railways.[1]

When he was in his second decade as a contributor to the *National Anti-Slavery Standard*, he wrote as follows of his own labors, not taken too seriously by himself:

> I am getting to be a voluminous author, as you may see, if you will cast your eyes on the Roman numerals indicative of how many letters I have sent to you. I wonder how many volumes they would make; and I wonder yet more that no enterprising publisher has thought of making his fortune by collecting them. But, I suppose that friendly task will be left to the pious hands of posterity. I feel a sincere compassion for myself when I consider how much pains I must have taken all along for this dozen or fifteen years in your behalf. I anticipate any ill-natured remark, by adding that I don't pity the readers at all; because ne'er one needed to take the pains to read them unless he liked it, whereas I had to take the pains to write them, so that he might have the chance of refusing if he chose. I rather think that I am the Nestor of Correspondents to New York papers, and should be obeyed and respected accordingly, as the General Orders run when a new Militia Officer is called from behind the counter to the tented field. I should not wish to put myself forward at all; but I would say that I shall probably be in New York in the course of January, when a public dinner, or a service of plate, or any other little testimonial of the sense entertained of my private virtues and public services, might be gracefully tendered to me, either by the Press or the Citizens generally.[2]

At an earlier day, during a cold spell in the winter of 1851, he began a letter (February 10) with allusions to the "modern heresies of furnaces and air-tight stoves," and to "the good old orthodox doctrine of wood fires." A portion of this letter is interesting for the light it throws upon Quincy's addiction to unpopular causes.

> I think I would have forgiven even an Air-tight had it made its appearance in my old room at school, where, after the most straitest sect of our religion, I was brought up at Andover. As I remember it, it was like a fragment of the Polar regions *iced*. Perhaps it helped to carry me through *three* Revivals unsaved; for I recollect that I never hesitated to avow my predilection for the warmer of the

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[1] *Ibid.*, August 7, 1851.

[2] *Ibid.*, January 2, 1858.

two abodes appointed for the residence of departed spirits in preference to that generally selected. But, then, I always had a knack at getting on the unpopular side. Perhaps, however, should I persevere and finally accomplish this destiny, I may find myself for once in the majority. And, certainly, if the Devil have his due, I shall find myself in most worshipful and reverend company.[1]

Now let us have done with fragments, and come to longer passages, though never to an entire letter. Any attempt at a general sampling of the correspondence would be futile. The somber subject of funerals, however, is tempting, if only because it provided Edmund Quincy with welcome opportunities to deal irreverently with august names and reputations—especially, in the passages to be quoted, with those of Abbott Lawrence, Daniel Webster, and Rufus Choate. The allusions to Abbott Lawrence are found only in a secondary connection with a funeral. The first portion of the following letter deals quite seriously and respectfully with the obsequies of John Quincy Adams at Quincy in February, 1848. The dinner given by the Boston City Council to the members of Congress who had come from Washington to the Adams funeral, unhappily at a time of local prohibition, gave Quincy his chance, and thus he took it:

. . . It would have been creditable to New England and her Capital if the ceremonies had ended here [i.e., with the funeral itself]. But the City Council thought they would not be complete without what the Irish call *a wake*. So they invited the Congressional Delegates to a grand dinner at the Revere House, for Monday, the next day but one after the funeral. But, unluckily, it so happened, that the Board of Aldermen, by the casting vote of the Mayor, refused last year to grant any licences to any public-house, and the city had sanctioned the action by re-electing the officers who took this stand. The Revere House, it is said, was actually at the time under indictment for selling liquor. But these distinguished guests could not be asked to sit down to a temperance dinner! Heavens! What could Mrs. Grundy say to that? Just imagine a city dinner without wine! Why, they might as well have no turtle soup. So the Committee charged with this important matter, began to cast about for a "stump," about which they might, in vulgar parlance, "whip the Devil." The Devil *was* whipped, and *well* whipped, too, round no fool of a stump; but it is to this day a mystery *who found the stump*! Some say that the Committee bargained with the inn-holder for a *temperance* dinner, on such liberal terms, that he generously threw in as much wine as they could drink *for nothing*! Others maintain that the city paid for nothing but the dinner, and that the wine was furnished by private subscription.

It was generally believed at the time that a prominent Whig, the acknowledged head of the Cotton interest here, *liquored* the company at his own private expense. But, I understand he denies the impeachment. The story probably arose from the circumstance that this gentleman said in his speech at table, that if the Members of Congress from all sections should come to Boston, and the city would not give them a glass of wine, *he* would, or words to that effect. But he is, perhaps, hardly to be held responsible for his words, as it is said he is labouring under a specific delusion, certainly enough to make out a *prima facie* case for the issuing of a commission of lunacy. It is affirmed, though it certainly should not be believed without strong proof, that this unfortunate gentleman actually believes that he has a chance of being nominated by the Whigs next June, for the Vice-Presidency! His talent has generally been thought to lie in the accumulation of cotton; but if this report be true, his wits must, for this once, have gone *a-woolgathering*. I fear they must now be looked for only in the moon—that receptacle for all things lost below;

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[1] *Ibid.*, February 13, 1851.

> "Where heroes' wits are kept in ponderous vases,
> And beaux' in snuff-boxes and tweezer-cases!"

There is but one contingency that can take him out of the range of a writ *de lunatico inquirendo*; and that is, if the Whigs should be mad enough to set up Mr. Clay for President, they may be fools enough to nominate Mr. Lawrence for Vice-President.

When it was known that the Committee intended to allow wine to be furnished at the dinner, the Mayor, the Hon. Josiah Quincy, Jr.[1] refused to attend it. This refusal excited a great stir among the City Fathers; and they used all the influence they could muster to persuade him to change his mind. But he humbly begged their permission (thanking them all the same) to decline making a fool of himself to oblige them. Although they had left their tails in the trap, he was too old a fox to be cajoled into parting with his own brush for the sake of a beautiful uniformity with their nakedness. So the chief magistrate of the city, at least, was spared the self-stultification of directing the prosecution of offences in the morning, which he had himself helped to commit over-night.

As to the character of the dinner, authorities differ. Some say that they got very drunk, were so riotous as to disturb the neighbourhood, and freely graced their conversation with that figure of speech which was favoured by Sir Robert Walpole, on the ground that everybody could understand it. Others, again, affirm that "Daniel at his pulse" was not more temperate, a refectory of Trappists more quiet, nor Joseph, escaping from Mrs. Potiphar, more chaste, than they. But whatever doubt there may be as to the quantity of wine imbibed, there can be none as to the quantity of *spittle that was licked up*; and as to the consumption of *toads*, it was enormous! Then the banquet was enlivened throughout by a succession of performances on the *marrow-bones*, by the principal characters. Altogether the feast was so conducted as to answer the purpose of its founders in the most thorough manner. The slaveholders were given to understand, that there was no bar to entire unity between themselves and the eminent Whigs of Boston. That no amount of indignity, and no accumulation of injuries could shake their fealty to their masters. That a slaveholder power cannot be raised to a point high enough to kick a particle of spirit into them. The Southern gentlemen undoubtedly came to Boston full of the contempt they feel, (and should feel,) for all Northern men, *except the Abolitionists* (whom they hate, but do not despise); but they are not the sensible men I take them for if they did not go away chuckling in the thought that the half had not been told them, and that in meanness and servility their hosts had bettered their warmest expectations.

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[1] Edmund Quincy's brother.

D.Y.[1]

Daniel Webster died on October 24, 1852. On November 1, Quincy wrote as follows:

. . . Certainly if ever man, both alive and dead, had reason to cry for mercy to his friends, that man is Mr. Webster. Not satisfied with having made him odious and contemptible, while living, to very much more than nine hundred and ninety-nine thousandths of the political party to which he owed everything, by tempting him to the petty revenge of trying to break it down, because they preferred another man to him, they have done more than was ever done in the same space of time to make him ridiculous by the inordinate and absurd fulsomeness of their praise, after he is dead. To pay public honours to Mr. Webster as the Secretary of State, and as a man long in public service, was unobjectionable. The minute guns, the flags at half-mast, the tolling bells, the public funeral, were all well enough. But the indecent extravagance of the adulation that has been heaped upon him by priest, editor, politician and lawyer, only escapes from the bathos[2] of the absurd by trenching so very closely on the bounds of the blasphemous. For, surely, there never was but One Man on Earth possessing the perfections with which it is attempted to invest Mr. Webster. Faultless, indeed, must be the character of any man that can stand such a strain upon it as this. The reaction is instantaneous and inevitable, such is the nature, be it good or bad, of man. It has already had this effect with the great majority of men you meet, Scott Whigs, Democrats and Free Soilers, and Mr. Webster's claims to canonization are subjected to a rigid scrutiny by more than one *Advocatus Diaboli* or Devil's Attorney. If there be any weak points in Mr. Webster's character, his flatterers have done their best to provoke an inquiry into them and a discussion of them. If he had any frailties, and they should now be "drawn from their dread abode" to be the theme of idle gossip or scurrile jest, it is those flatterers only that are responsible for it.

A very general disgust has also been felt, not merely by those who have an ill opinion of Mr. Webster, but by many of his warmest admirers, at the indecorous exposure through the press of his last opiated and dying moments. Surely, there should be one hour even of a public man's life that should be free from the prying of Reporters and sheltered from the prurient curiosity of penny-a-liners and their patrons—and that is the hour that ends it. The curtains of the death-bed, even of a great and good man, one would think, might be kept drawn between him and the world he is leaving. Everybody has read those accounts and every one can judge for himself of the character of the scenes described in them. But however interesting or edifying any one may incline to think them, that they should have been reserved for the consolation of the circle of nearest relatives and friends that surrounded the dying-bed is the opinion of very many besides me. The funeral was very numerously attended, special trains and steamers being provided for the purpose and every livery-horse in Boston hired for the occasion. And, of course, the whole country-side, for twenty-miles round, was there. It was estimated that there were ten thousand persons on the ground. A number, I should judge, within the truth, inasmuch as we have had as many as that at one or two of our Anti-Slavery Mass Meetings in the Old Colony.

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[1] *National Anti-Slavery Standard*, March 30, 1848.

[2] This word was originally misprinted "pathos," and Quincy called attention to the error in his letter of November 15, 1852.

The streets of Boston presented an odd contrast between the emblems of woe that hung from every wall and the animated crowds that filled them. It was like the Fourth of July or some other holiday when every house pours forth its inhabitants to see what is to be seen. The decorations of many of the houses and shops were very well got up. Some, of course, were absurd, such as the inscription on the flag from the *Times* Office, I think—"His Death will Eclipse the Gaiety of Nations!" Certainly, a very queer application of Dr. Johnson's touching and appropriate eulogy on Garrick. "But what are the hopes of man! I am disappointed by that stroke of death which has eclipsed the gaiety of nations, and impoverished the stock of harmless pleasure." A very suitable exclamation at the death of a great actor, but rather an odd one at that of a Statesman. Almost every variety of praise had been exhausted in describing Mr. Webster; but this genius deserves the credit of ingenuity in discovering that he had promoted "the gaiety of nations!" Perhaps, too, the application might be open to the criticism made on the original, that the subject of it had not been the cause of gaiety to more than *one* nation, to wit, England; which was met by the reply (from Boswell, I think) that Scotland and Ireland should be included, which would satisfy the plurality of the proposition. Perhaps, we should regard the several States as Sovereign Nations, in this case, and that will crush the cavil forever.

It is said that there never was a time when the Whigs of Boston were in such a mess as just now. They hate one another with more than a *theologic* hatred. The severity of the Scott papers and leaders towards the bolters, however natural and just, has exasperated them to the last degree, and they will rejoice in the defeat of Scott for the disappointment it will give his supporter. The Meeting in Faneuil Hall to take measures for future honours to Mr. Webster's memory was taken possession of by the Webster faction, and out of the large Committee (of a hundred I believe), only four or five were Scott men. Mr. Everett has been selected to deliver the Eulogy; but whether he would have been had he then written the letter in which he says that General Scott "possesses qualities, and is governed by principles peculiarly called for," at the present time, is, in my judgment "*dubious*, if not *doubtful*." But is it not delicious to see the confusion and disgrace which the men have brought upon themselves who made themselves part and parcel of Mr. Webster's Seventh of March Iniquity, in the hope of making him President? Who hounded out poor Sims[1] as an electioneering trick in the same direction? It is almost too good to be true. Then Mr. Wright's[1] two trials have been singularly lucky for them. They were fixed respectively for the week before the Convention, and that before the Election, that his conviction might operate favourably at the South, and the failure of the jury to agree in the first, and their agreement to acquit in the second, has been another affliction to their righteous souls. I trust they may be afflicted a great deal more in the same way, until it works a Repentance (not like that they feel now,

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[1] Thomas Sims, a Negro arrested in Boston in 1851 under the Fugitive Slave Law.

"Not that they murdered, but that they were taken!"),

but a Repentance that will not need to be repented of.

D.Y.[2]

In the following month, on December 20, Quincy reverted to Webster:

I suppose I ought to give you some account of the Webster Funeral.[3] But it is so long since, that I don't recollect much about it. Besides, the description I gave in advance, in my last letter,[4] should suffice the curiosity of your readers. It is hardly possible that any mere history should come up to such a prophecy as that. But it was a very shabby affair— very much inferior to the *first* funeral, when they buried him alive after he had been slaughtered at Baltimore. If they had dispensed with the Military Escort, as at first proposed, there would have been no procession at all. And even the Sims Brigade looked slim and shabby, and there was nobody else, except a few lazy fellows in coaches. Nobody on foot and no Cavalcade. Even his friends did not make their appearance in any force. And General Pierce, who had been *underlined* in the Bills of the Play, and was indeed the great Attraction held forth to draw an audience (inasmuch as a live President is much better worth than a dead candidate who couldn't even get a nomination), he failed to appear, through some blunder of the Managers. The decorations of the streets corresponded with the Show. They were of the cheapest and commonest description. Over the Washington Street side of the Old State House, there was a wax figure of Mr. Webster, which might have graced "Mrs. Jarley's Vaxvork Show," dressed in his favorite blue coat and buff waistcoat! This horror, however, was removed early; but, to the end, there remained two young ladies, also in *wax*, "leaning in various angles o'er an urn" of plaster of Paris—while in the centre was a bust of Mr. W., in the same costly material, and under it the motto, "GOD WILL NOT CAST AWAY A PERFECT MAN!" This is a sample of the best things the streets had to show.

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[1] Elizur Wright, who was tried in June and October, 1852, on a charge of being implicated in the rescue in 1851 of Shadrach, a Negro arrested in Boston under the Fugitive Slave Law. The jury at his first trial disagreed. His second trial resulted in acquittal.

[2] *National Anti-Slavery Standard*, November 4, 1852.

[3] I.e., the solemnities in Boston on November 30, 1852, the day designated by the city authorities for "a public expression of respect for the memory of Mr. Webster." *A Memorial of Daniel Webster, from the City of Boston*, George S. Hillard, Editor, (Boston, 1853), 219–230.

[4] His communication to the *National Anti-Slavery Standard* dated November 29, 1852.

I did not hear Mr. Hillard's[1] Discourse, though I understand there was no difficulty, after the very first, about getting into the Hall, and I have forgotten what I read of it and have not time to look it up. Only I remember one cruel truth he told, which would have more than counterbalanced, in Mr. W.'s opinion, all his praise, though he laid it on not "with a *trowel*," but with a *hod*—and that was, substantially, that Mr. Webster was not a profound scholar, in the technical sense of the term. Now, if poor Mr. Webster had a weakness (and I don't mean to intimate that he had any *other*), it was for being thought a Classical Scholar. I verily believe that he was more proud of his *very* "small Latin" and no Greek at all, than of all his other pretensions to fame put together. And for a competent authority (which Mr. Hillard is) to put an extinguisher upon these cherished claims, and that, too, in the guise of Eulogy, *was* rather too bad. It was enough to melt the bowels even of a Garrison Abolitionist. The Subscription, too, to carry out Mr. W.'s testamentary plans is understood to have signally failed. He has not been able to transmit to his heirs his fee-simple in State Street, and so the Entail of Marshfield has fallen through. Sixty thousand dollars, it is said, have been raised and placed in the Massachusetts Hospital Life Insurance Company, for the benefit of Mrs. Webster during her life—a provision for an amiable and excellent lady at which every one must rejoice—to revert to the contributors after her death.

For the Memorial only the paltry sum of $15,000 has been contributed, which has contracted the magnificent visions of its projectors within the manageable limits of a Statue. So the scheme will end in giving a job to some American sculptor, by no means a bad ending, either. But a dreadful doom, it is feared, impends over the City. I believe I have told you of an acre of canvas filling up the entire platform side of Faneuil Hall, covered with Mr. Healey's "pictorial representation" of the reply to Hayne, into which the artist, in addition to the entire Senate at that time, has successfully attempted the introduction of the entire human race, besides, including several ladies who *ought* not to have been born for several years subsequent to that event. Now, Mr. Healey is a very clever portrait painter, indeed; but he steps entirely *ultra crepidam* (as Mr. Webster might have said) when he attempts Historical painting. Of which this picture is a proof. It is a mere collection of portraits, and tells no story whatever. Mr. Webster stands in the centre, but no one, from mere unenlightened reason, could tell what it was for. Certainly no one would suppose he ever had spoken a word or ever meant to. If it were not for the *costumes*, one might suppose him to be Iago just after he had said,

> "From this time forth I never will speak word!"

Certainly, posterity might be quite as apt to suppose that it was poor Dr. Webster standing up to receive sentence of death as Daniel Webster making his great Speech. And for this picture, which displaces almost every other portrait, much apostrophized of orators, it is proposed that the City pay $5,000, if an equal sum be raised by contribution of the citizens! It is most devoutly to be hoped that the process of depletion is complete by this time, and that "not one drop of Christian blood" more can be drawn from the suffering saints of State street. For, admitting that Mr. Webster has a claim to a place in Faneuil Hall for his Hayne Speech—surely, everybody who did (or who did *not*) happen to *hear* it, is not entitled to share in his apotheosis! And, moreover, his well-wishers should remember that a more bitter Satire on Mr. Webster could not be devised than a picture of him at that culminating moment of his life. It brings, and will bring, more and more forcibly, every year, in comparison the Defender of New England principles of 1830 and the Conqueror of her Prejudices of 1850.[1]

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[1] I.e. George S. Hillard. "Hillard's Eulogy" is printed in *A Memorial of Daniel Webster, from the City of Boston*, 233–270.

For more than six years Quincy had to wait for such another occasion. Rufus Choate died on July 13, 1859. On July 25 Quincy wrote:

> We have at last succeeded in burying Mr. Choate. We were nearly a week about it; but he is now fairly at rest in Mount Auburn. We began the wordy sacrifice as soon as the news came of his death by telegram; and as the old Greeks raised barrows over their heroes and the Scandinavians piled up stones, so have we brought together an infinite quantity of words and heaped them together over his body. Empty words enough they were too; but none the less symbolically appropriate for that. Mr. Choate was emphatically a man of words, and therefore this windy monument is all the more suited to his sepulture. I see that your Bar have contributed their "windy suspiration of forced breath" to the airy oblation. And I suppose fresh bags of wind will continue to arrive for some time to come,
>
> "To strew the laureate hearse where Lycid lies!"
>
> What a slang-whanging generation we are, to be sure! All kinds of men, Democrats, Resurrectionized Whigs, "galvanized to go" for the occasion, and Republicans all unite in swelling the chorus of praise over the coffin of the best Old Bailey lawyer in the land! Mr. Everett and Mr. Hallett, Mr. Richard H. Dana, the younger, and General Cushing, Governor Banks and Dr. South-side Adams,[2] all join hands and voices in the great liturgy of humbug. *The Liberator* is the only newspaper that has spoken a word of truth and soberness on the subject. I hope you will copy its brief chronicle, as it is not only the truth, but what four-fifths, not to say nine-tenths, of the blatant mourners will admit to be the truth, when they round you in the ear. What had Mr. Choate done in his lifetime that so many men should glory in making themselves fools over his grave? What public service of any kind had he rendered? He had got off more desperate villains from punishment and made more bad causes good than any other lawyer in America. But then he had been paid for all this while in the flesh, and why not let that suffice? His own profession might naturally regard him with wonder and with praise; but one would think his canonization might be left in their hands. Let us rejoice, my worthy friend, that we are safe in our obscurity from this new horror which Yankee Snobbery has added to death.[3]

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[1] *National Anti-Slavery Standard*, December 23, 1859.

[2] The Reverend Nehemiah Adams, pastor of the Essex Street Church, Boston, and author of *A South-side View of Slavery* (Boston, 1854).

[3] *National Anti-Slavery Standard*, July 30, 1859.

There was still more to be said about Rufus Choate—a few weeks later, on August 15. Our own Society then came in for a passing word. As for two allusions to events in New York, the "Morphy dinner" and the "obsequies of Bill Poole," is it superfluous to remind readers of this later day that Paul C. Morphy was a chess-player and Poole a prize fighter?

We are not done with poor Mr. Choate yet. I see the Historical Society have been trying their hand at him, and not making much of a hand at it, neither.[1] In fact, people are getting sick of his name, and we are beginning to come to the conclusion that we did "run that thing into the ground," in a way that justly laid us open to the ridicule of your York cockneys. The Morphy dinner was a fool to it. You know we were a whole week burying the poor man—as long as it took to create the world in the beginning. From the moment the telegram came along announcing his demise, the resolutionizing and slang-whangery, and half-mast flaggery, and bell-tollery, and minute-gunnery, and all the rest of it were going on in one form or another. And on the day of the funeral a military band in uniform, playing a dead march, was added to the rest of the tom-foolery with which that clever manipulator of juries was carried to Mount Auburn to be quiet at last! You have never had anything like it, excepting the obsequies of Bill Poole—and really the one case does not look to common sense much more absurd than the other. Mr. Choate was the champion of his ring, as was Bill Poole of his. Each had his faculties and science at his fingers'-ends and could double up an adversary more knowingly than most men in their respective lines. But the services to the public of neither of these gentlemen were of a nature to call for any particular demonstrations of public grief. I suppose they were both paid for whatever they did, in some coin or other, as they went along; and that should have contented their admirers, as it undoubtedly did themselves. But as New York can hardly be held accountable for the Apotheosis of Mr. Poole, neither should Boston in her entirety be made responsible for that of Mr. Choate. We really are not altogether such fools as we look. You would have known this could you have heard the undercurrent of talk that ran through the streets all the time.

There was never a more hollow pageant than this public funeral and all the talk that went before it. It really stood for nothing. The sincere grief of family and friends it certainly did not represent, and the degree of admiration which the great forensic ingenuity of Mr. Choate excited in the public mind was not of a description or an intensity to demand such an expression. In fact, the character of a great winner of verdicts is not one that secures popular respect or permanent fame—unless his name be connected, like James Otis's and Erskine's, with great forensic battles of liberty. The laity may admire, but they do not greatly esteem, the Dalgettys of the law who are ready to fight on either or any side for "pay and provant"—men who hold the opinion which it is said Mr. Choate himself put into the epigrammatic and rememberable form, that "all causes are equally good before the verdict!" There are great lawyers, it is true, who are respected and venerated in all times, but they are the *jurisconsulti* rather than the *causidici*, the calm thinkers of the chamber rather than the noisy wranglers of the bar, who obtain this place in general esteem. And no one, I am told (for I had not even a speaking acquaintance with him), would have seen this whole thing in a more comic point of view, than Mr. Choate himself. At the time of John Quincy Adams's public funeral, when he was lying in state in Faneuil Hall, Mr. Choate expressed his sense of the sort of thing in this professional *mot*: "If this were my case, instead of Mr. Adams's, *I had rather it were heard at chambers*"! But the case of Mr. Adams, as an ex-President and statesman, was entirely different from that of Mr. Choate, who was known only as a miraculous wheedler of juries—his public life having been conjured out of his political body by the long forefinger of Mr. Clay on the floor of the Senate. And nobody would have seen the distinction sooner than he.

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[1] See 1 *Proceedings*, IV. 365–372.

One thing at least was very certain, that there was no possibility of its being a case of premature interment. For, if Mr. Choate had not been very dead indeed, he must have been recalled to life by hearing the names of the parties who took the initiative in his posthumous honors by the Bar of the City. Now, Mr. Choate was not "a good hater"—he had hardly moral stamina enough for *that*—but he was not without his antipathies and aversions, and I am assured, by good authority, that he was by no means personally fond of certain gentlemen, connected with each other by blood and marriage, whose names are prominent in the earlier stages of these proceedings, and that he was far from mealy-mouthed in expressing those particular sentiments. So that it is regarded as a proof of his being dead beyond resuscitation that he lays quietly under the galvanic battery of their eulogy. This, you understand, is the talk of the Bar and the town—for I have no personal knowledge on the subject. I believe you republished a part of Dr. Nehemiah Adams's Funeral Discourse, which, if your readers did not find entertaining reading they must be dull fellows indeed. We looked upon it as one of the most diverting performances of recent times and were as merry over it as mutes after a funeral. It raised a nice question in Natural History, however, as to what those creatures were which Mr. Choate found lying on their backs and employed himself in turning over on their bellies with his stick one morning, by way of giving them a fair start in life. A lady of my acquaintance suggests that they may have been *humbugs*! What do you think of the hypothesis?[1]

It is a temptation for the compiler of passages from Edmund Quincy's printed letters to continue indefinitely. One could wish especially for time and space to present some moving paragraphs from an account of the visit paid by Wendell Phillips in 1862 to a Washington and a White House which he would not have been permitted to enter a few years earlier, and others from an editorial in April, 1865, on "The President Assassinated by Slavery," ending with the words, "The gloom of to-day is ours. The glory of all time is his. And yet it is ours as well."

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[1] *National Anti-Slavery Standard*, August 20, 1859.

Quincy survived the Civil War for only twelve years. With the great object of abolition accomplished, he became what I have ventured to call elsewhere a "reformed reformer." Good wines appeared on his own dinner table, and on others' he did not invert the glasses. Was his state of mind in general reverting to that of his young manhood? The most important and enduring work of his pen, the biography of his father, published in 1867, must have contributed to such a turning back of the hands of his own clock. Several years ago, while looking for something else in the vast collection of the papers of Charles Sumner in the Harvard College Library, I stumbled upon a letter of Edmund Quincy's to Sumner on the subject of the *Life of Josiah Quincy*. Sumner had apparently questioned Quincy's use of the word "elegance" in relation to Boston society. Since Quincy's reply has never been printed, it will not violate the ban just imposed on further quotation—from published letters—if I venture to present a pertinent portion of it:

> I stand by the "elegance" of living in old Boston. There is no question as to the elegance of manners. Think of the Sullivans, Otises, Christopher Gore, Sam Dexter, the Lowells, the Tudors, the Apthorps, the Coolidges, the Bulfinches, Gardiner Greene, James Lloyd,—most of whom lived within my knowledge. And the *nouveaux riches* of that day, the Perkinses, Irsael Thorndike, T. Lyman, Pratts, P. C. Brooks, etc., were men of distinguished manners, much superior to their immediate successors, the Lawrences, Appletons, etc., to say nothing of those of the present day. These people had, almost all of them, travelled in Europe, seen good society, had abundance of money and modelled their way of living on what they had seen there. The style of upholstery, table furniture for entertainments, is different now from then, but I imagine it bore the same relation to the way of living in England at that time that the present style here does to that of contemporary England. I have seen nothing in Boston or New York in the way of dinner parties or evening parties that surpass in real elegance (not reckoning *expense* as part of it) that I remember at Col. Perkins's in the old Pearl St. House, the Thorndikes, Gardiner Greene, the Coolidges in Bowdoin Square, the Pratts. And my mother bore the same testimony as to the previous generation who were at the top of the tree when she came here [in 1797]. The style of living of Tommy Russell, of Joe Barrell, and especially of Dr. Craigie, who lived in Longfellow's house, was equal in elegance, according to the European fashions of the day, to anything now existing, and infinitely surpassing it in abounding hospitality. Men used to get drunk, I must admit, but so they did in England. You will see that James Lowell has the same idea I have expressed on this point, only more strongly expressed, in his fine article on my father in the last Atlantic.

Here was an expression of local pride of a sort hardly to be expected of one who consorted so intimately through a large portion of his life with the motley crew of "come-outers" in which Quincy could have had little inborn sympathy with few excepting his cousin Wendell Phillips. For all his local flavor he was conscious of broader horizons, for in the very letter to Sumner already cited the following paragraph is found:

"My Father's notions as to European travel were provincial, old-fashioned and weak. I can hardly forgive him for having deprived me, through discouragement, of so great an advantage. I feel that my life is *manqué*. For though I may go now, it is like having the spice of life with the dessert, instead of flavoring the whole meal."

It was in the dessert period of Quincy's life that local honors began to fall upon him. In 1869, at the age of sixty-one, he became a member of this Society. It was only two years before his death that he was elected to so respectable a club as the Harvard Board of Overseers. While our fellow member of recent years, Frederic J. Stimson, was a young man, he knew and admired Edmund Quincy as an elderly Dedham neighbor. In Stimson's book of reminiscences, *My United States*, there is an illuminating suggestion, as in the letter to Sumner, that, in spite of Quincy's many espousals of the causes of underdogs, he never separated himself entirely from the criteria into which he was born. On his desk, the story goes, beside his Bible, the *Harvard Triennial Catalogue*—not yet *Quinquennial*, and still in Latin—was always ready to his hand. When an unfamiliar name came to his notice, he would turn to the *Triennial* to identify it. "If a man was in it," to quote the very words of Stimson's record, "that's who he was; if he wasn't in it, who was he?" If any Harvard graduates of our own time apply such a test, they are likely to be Apleys rather than radicals.

Political Episode: Henry L. Stimson and the New York Campaign of 1910

By Claude Moore Fuess[1]

Henry Lewis Stimson's one entry into election politics was dramatic, unpremeditated, and temporarily disastrous. A citizen who had never previously run for even a minor office, he suddenly found himself at forty-three a candidate for Governor of his own Empire State, without any familiarity with political intrigue or any experience in winning votes. Furthermore, his campaign, through no fault of his own, was doomed from the beginning to failure. It did, nevertheless, reveal many of his fine qualities to his fellow men. It broadened his own conception of democracy and, although largely by accident, determined the course of his future career. This episode of only thirty-five years ago is so recent that there are, of course, many who remember it in detail. After all, however, politics is no less entertaining because one has been a witness to its movement and crises. The fact that we ourselves have been living and even making history does not lessen its significance. And it will all be the same in a thousand years.

Until he reached his late thirties, "Harry" Stimson's progress had been steady, uninterrupted, and conventional. A graduate of Phillips Academy, Andover, in 1884, and of Yale in 1888, he had received a degree from Harvard Law School and had been admitted to the New York Bar in 1891. After two years as clerk in the office of Root and Clark he was made a member of the firm and thus thrown into daily and close relationship with Elihu Root, a man very much like himself in background, tastes, and temperament, who had a marked influence on his ways of thought. When Root withdrew in 1899 to join McKinley's Cabinet as Secretary of War on August 1, the new firm of Winthrop and Stimson was formed in 1901, dealing principally with corporation law. By this date Stimson, young though he was, had become a leading figure in his profession, with important friends in high places.

Among these friends was Theodore Roosevelt. After his marriage in 1893, Stimson had purchased a farm at Cold Spring Harbor, only five miles from Oyster Bay, and the two men soon fell into an intimate relationship. Like Roosevelt, Stimson was passionately fond of outdoor life, spent most of his vacations in the wilds, and had stalked moose in Canada and killed bear in Montana. Together on Long Island they rode to the hounds and roamed the fields in autumn with a gun and dogs. Although Roosevelt was some years older, his interests and Stimson's converged at many points, and each one understood the other.

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[1] This paper was read at the November, 1945, meeting.

Stimson early enlisted in the famous Squadron A, working his way up from private to first lieutenant, and was thus trained in a military tradition. One day, later, when Roosevelt was in the White House, Stimson finding himself in Washington with some leisure time on a dull and rainy day, took a horse and rode out along Rock Creek. Unexpectedly a voice rang out on the opposite side of the stream: "Stimson, come over here!"; and then he heard, in the high-pitched, shrill tones which he knew so well: "The President of the United States directs Sergeant Stimson of Squadron A to come to his assistance, by order of the Secretary of War." Obedient to an order from his superiors, Stimson never hesitated, but at once put his horse at the stone wall which, at that point, lined the bank of the river. The spirited animal leaped promptly into the water, which was at full flood, boiling with mud and debris. The horse and rider were, of course, carried downstream by the rushing current, while the President stood on the bank, much distressed, waving him to go back. Stimson had no alternative but to let himself be borne by the flood for some distance until he was swept towards the shore, where he discovered a break in the wall through which his steed and he could scramble. A little below was a bridge, which Stimson crossed, and then riding, soaked to the skin, along the other bank, he saluted Roosevelt and Root, saying: "Sergeant Stimson begs to report that he is here ready to offer assistance!"

For once the impulsive President was nonplused, although Stimson's action was precisely what he would have done in similar circumstances. Then he answered: "When that order was given, I did not think it would be obeyed. The wall on our side was impassable." Again Stimson saluted and replied: "Mr. President, when a soldier hears an order, it is not for him to consider whether the way is impassable or not." The incident was closed when the President paused and said: "Well, I'm glad you did it, but now ride home as fast as you can and drink all the whiskey you can lay your hands on." The story is characteristic of both persons involved, and particularly of Stimson, whose courage, both physical and moral, has always been remarkable. According to Roosevelt, when the office of United States District Attorney for the Southern District of New York became vacant, he recalled the affair and appointed "Harry" Stimson, with the comment: "I guess a man who wasn't afraid to swim that creek in response to an order would be a pretty good person to go after those fellows in New York."

It was, as all remember, the decade when investigations of big corporations were being conducted, largely through Roosevelt's reforming enthusiasm, with wide popular acclaim. In 1905 Charles Evans Hughes had uncovered the loose financial methods of some of the great insurance companies, to be rewarded with the governorship of New York. In appointing Stimson as the federal attorney for the New York District in January, 1906, Roosevelt must have realized that he was offering a similar opportunity for service to a lawyer of Hughes's type, pertinacious and incorruptible. Stimson soon had disagreeable tasks to perform, but he did not shrink from them. During his three years as federal prosecutor he displayed an amazing capacity for hard work, combined with the ardor and audacity of a crusader. He is still recalled for his successful prosecution of the *New York Herald* for printing indecent advertisements; for his conviction of the notorious financier, Charles W. Morse; and for his suit against the New York Central Railroad Company, which, even after an appeal to the Supreme Court, was obliged to pay $108,000 in fines for illicit rebating. Indeed he proved himself to have as little respect for important names and powerful companies as did Thomas Edmund Dewey thirty years later. New York voters like to cast their ballots for a man who has hunted crime to its lair.

Perhaps the most sensational action of Stimson as an agent of justice was his prosecution of the American Sugar Refining Company of New York. On its docks in Brooklyn, employees of the company, over a period of almost eight years, had systematically manipulated the scales so that the weight of the sugar on which tariff duties had to be paid seemed to be less than it actually was. Harold Jacobs Howland, in an article in the *Outlook* for May 1, 1909, under the title "The Case of the Seventeen Holes," told the story in frank detail, with photographs revealing how a secret spring could be and was operated by a simple pressure of the fingers. The original action was a test case for fraudulent practice, asking for the forfeiture of about $134,000, the value of the sugar on which, because of these cheating devices, no customs duties had been paid. Stimson personally conducted the prosecution, assisted by two of his associates, Winfred Thaxter Denison and Emory Roy Buckner; while the defense for the company was undertaken by John Edward Parsons, with John Barry Stanchfield, a distinguished lawyer of New York, as trial attorney. It was the contention of the company that, if fraud had been practised, no director or responsible official had had anything to do with it, and that the agents had done the cheating on their own responsibility and not under orders. It was readily proved, however, that only the company could have profited by the illegal machines; and it was the charge of the government that the six company checkers assigned to the duty of watching the weighing machine secretly received higher pay than their companions on other assignments. After a full month the trial closed in March, 1909. The jury, after being out only an hour, brought in a verdict for the entire penalty asked for by the government.

As it turned out, the company management virtually admitted that the alleged frauds had been perpetrated and announced their intention of repaying to the government any unpaid duties. Stimson was not ready to stop there. He immediately announced his intention of reaching up after individual offenders "just as high as the law and the evidence would permit." Seven men were soon indicted by the Federal Grand Jury for conspiracy, including Oliver Spitzer, for many years the dock superintendent of the company in Brooklyn, and the six company checkers, known colloquially as the "Big Six." The American Sugar Refining Company at once issued a formal statement, declaring that these employees and any others involved should be punished if guilty, and soon dismissed all seven. Meanwhile the secretary of the company sent out an official letter to the stockholders, asserting that penalties ought not to be imposed upon the organization because of "the unauthorized acts of subordinates." In January, 1910, four of the men indicted were found guilty of fraudulent practice and sentenced by Judge Martin to a year's imprisonment. In fixing this unusually severe sentence the court pointed out that the convicted men had been particularly obdurate, unwilling to confess their share in the crime even when the testimony against them was overwhelming.

Before this closing of the case, however, Stimson had resigned in April, 1910, having resolved that he would return to private practice. So far as his friends knew, he had no political ambitions. But events over which he had little control were shortly to lure him from his office on Liberty Street into a far more active and turbulent life.

On a drizzly morning in June, 1910, Theodore Roosevelt landed from the *Kaiserin Augusta Victoria* to receive a lavish and somewhat raucous ovation as he drove up Broadway and Fifth Avenue. One of his friends, commenting on the reception, said: "Measuring by human standards, I suppose that he reached on that day the zenith of his fame." But he himself declared: "It is a kind of hysteria. They will soon be throwing rotten eggs at me!" He was right! Since March 23, 1909, following the inauguration of his successor, William H. Taft, he had been on his picturesque travels. He had slain lions in Africa, had a quarrel with the Pope and hobnobbed with the German Emperor, lectured the British on their colonial obligations, and represented the United States at the funeral of King Edward VII; and he was in fine fettle. Many of his correspondents, not without their own interests at heart, had kept him informed on American affairs, and he had subconsciously built up a distrust of his once intimate friend, President Taft. Yet he returned without any long-range program and had even written Senator Lodge on May 5, "I do dread having to plunge into this cauldron of politics." After having assured Taft and others that he would make no speeches or public statements for two months, he took sides within a few days on one of the current crucial issues. On June 29, less than two weeks after his return, he attended Commencement at Harvard University, where, very hastily and impulsively, he yielded to the persuasiveness of Governor Hughes and came out for direct primaries in New York State. Two days later, despite Roosevelt's public sponsorship, the bill was defeated by a Republican legislature. It was impossible for a man of Roosevelt's bellicose temperament to refuse the challenge, and he was soon in politics up to his neck, delivering hard blows and asking for no quarter. It was the beginning of a schism in the Republican Party.

Any shrewd observer of trends could have warned Roosevelt that by rushing so speedily and so unnecessarily into a controversy about which he knew so little he was making an irretrievable blunder. As his biographers have pointed out, he stood in that summer of 1910 at the parting of the ways, one road leading to dignified retirement like that of Grover Cleveland, the other to exacting and stormy personal disputes. But Colonel Roosevelt, dominated then as always by his emotions, did not pause to estimate consequences. Easily enticed by national Republican leaders, he set out in August on a speaking trip through the West, ostensibly in order to stimulate the impending congressional campaign. He loved crowds and popular applause, and was led by incompetent advisers to believe that his magnetism was still irresistible. Although isolated remarks as he went along could be interpreted as approving the Taft administration, his speeches rapidly struck an insurgent note, and he was soon advocating, as he himself said, "far more governmental interference with social and economic conditions than we have yet had." In two notable addresses, one on August 27, at Denver, Colorado, and another on August 31, at Osawatomie, Kansas, he laid the foundation for the philosophy of what was to be called the New Nationalism, declaring that our government must be freed "from the sinister influence or control of special interests." To the conservatives in the Republican Party this had the ring of radicalism, and they promptly decided to defy his leadership. The consequent breach in the party ranks led directly to the victory of Woodrow Wilson in 1912.

Meanwhile Governor Hughes was completing his second term at Albany and had decided not to run again. There were numerous Republicans in the state, headed by Vice-President James S. Sherman, William Barnes, and Timothy S. Woodruff, who had little reason to love Theodore Roosevelt and saw in him a formidable menace to their control. On August 16, therefore, the Republican State Committee declined to consider Roosevelt's name as temporary chairman of the approaching convention at Saratoga Springs, and finally recommended Sherman for the position. Sherman, recognized by everybody as a standpatter and machine politician, was close at the moment to President Taft, indeed telephoned him, so it was said, every day. The President himself, although taking pains not to be personally involved or quoted, did secretly hope that Roosevelt would not dominate the convention and actually laughed over his predecessor's apparent discomfiture. This was almost too much for Archie Butt, who sympathized with Roosevelt and saw regretfully that, with conditions as they were, a rupture between the two former friends was inevitable.

Roosevelt was not the man to accept defeat so early in the battle. The issue as he saw it was unmistakable and unavoidable, symbolized in the dispute over direct primaries, and actually a struggle for supremacy between the Old Guard, led by William Barnes, the "Boss" of Albany County, and the notorious "Tim" Woodruff, and the progressives, who had the backing of Governor Hughes and Seth Low. Roosevelt summed it up to his own satisfaction by saying to his opponents: "My friends, the difference between us here is indeed radical. We trust the people, and you do not. It has been openly said by our opponents that they do not believe in a pure democracy. I do. I take issue fair and square on that point." For the average voter in 1910, however, the issue was quite different. It had come to be Roosevelt's personality. All over the state at numerous caucuses during the early autumn the Republicans were either for or against *him*. And many of them were thinking, of course, in terms of the Presidency in 1912!

Because the delegates were so much agitated about Roosevelt and his bid for the control of the convention, the matter of the governorship was neglected. On Monday morning, September 26, when the Colonel, overflowing with vitality, arrived in Saratoga, his first declaration was: "We're going to beat them to a frazzle; remember the word, *frazzle*." And sure enough, he did. The state committee on that same evening reaffirmed their recommendation of "Sunny Jim" Sherman, and the Old Guard leaders publicly reiterated the nomination. But on the following day, after some rather violent recriminations on the floor, the delegates decided otherwise, and Roosevelt was chosen chairman by a vote of 568 to 443. After Roosevelt had delivered an unexpectedly temperate but forceful statement of his platform and appointed the important committees, Elihu Root was elected as permanent chairman.

The first man Roosevelt was closeted with after his arrival at Saratoga on Monday morning was his neighbor, Henry L. Stimson. There had been plenty of preconvention gloom, and in spite of the magnificent record made by Hughes the Republican Party was in a pessimistic mood. The policies advocated by Roosevelt on his western tour had contributed little to party harmony; consequently it was important that the gubernatorial candidate should be invulnerable, dynamic, and not committed to any one coterie. Even then it was recognized by the prophets that Roosevelt would be the central figure in the campaign, but even he wanted more than a puppet at the head of the ballot. Before the convention two candidates, Congressman William S. Bennett of New York and Frederick C. Stevens of Attica, were mentioned, but their names aroused no enthusiasm. Then Roosevelt mentioned Stimson, who had always been in the back of his mind. Perhaps here was another Hughes. Elihu Root used his not inconsiderable influence, and at last Stimson consented to run. On Wednesday morning, therefore, when nominations for governor were called for, Theodore Roosevelt stood up and nominated Stimson, emphasizing especially his "truculent integrity." He went on: "We have said on this platform that we stood for justice, that we would punish the corrupt man in political life and in business life alike, and that the highest social or political affiliations should not save the offender. These have been our words, and these have been Mr. Stimson's deeds. What we have said he has done. You can judge his future by his past."

Roosevelt's control of the convention was by this time so undisputed that Stimson was nominated on the first ballot, although Bennett received a complimentary vote of 242. Thus Stimson made his first entrance into the political arena labeled as "Roosevelt's man," although, as became apparent later, he was far from agreeing with him on several major issues. With ironic inconsistency the liberal-minded convention went on record as endorsing the Payne-Aldrich Tariff, and went through the routine performance of praising the Taft administration.

The nomination and the candidate were accepted with lukewarm approbation by the convention, but with fewer reservations by the press. It was admitted even by the Democrats that Stimson's nomination was a sagacious political move. The *New York Evening Post* confessed that from the list of eligibles the Republicans could not have chosen a more promising candidate. Stimson had not been mixed up in party squabbles. His integrity was unquestioned. He had made no enemies except among wrongdoers. The *Outlook*, with understandable satisfaction since it had Colonel Roosevelt on its staff, said editorially: "No better man could have been found to stand upon the first and most important plank of the platform, 'Warfare against

Graft,' than the candidate for Governor, Henry L. Stimson."

The opposing candidate, nominated by the Democrats at Rochester on September 30, was John Alden Dix, who had been chairman of the Democratic State Committee and was by occupation a banker and paper manufacturer. Although he was a Tammany man and orthodox in his democracy, he was invulnerable to attack, and his cause was strongly supported by several metropolitan newspapers, largely because of the uneasiness in business and banking circles over Colonel Roosevelt's so-called New Nationalism. In 1910 Theodore Roosevelt was regarded as the same type of bogeyman as his distinguished cousin was to be in 1935. Dix was frank in his conservatism and therefore acceptable to Wall Street. It was the same year in which Woodrow Wilson was running for the first time, also for governor, and his platform was as liberal as Dix's was conservative. There is little real consistency in American politics.

Because he had never before participated in politics, Stimson's friends as well as his opponents awaited with curiosity his first appearance on the stump. On October 3 he called on Colonel Roosevelt at Oyster Bay, and plans for an aggressive campaign were prepared. Before the speaking began, a New York newspaper declared: "Stimson is not the man to cross the Bronx in a blaze and set the Hudson and the Erie Canal on fire." After the official notification ceremonies, another journal reported: "Stimson did not hesitate in his delivery, and there was no repetition. He told no stories, used no figures of speech or oratorical flights. Apparently all this sort of trimming is to be lacking from his campaign speeches." Still another, and completely impartial, account of the same meeting, added: "Stimson has a keen analytical mind and the broad grasp of affairs which characterize the lawyer of long experience. His manner is quiet and reserved and perhaps a trifle supercilious."

On Roosevelt's advice, Stimson planned to visit every county in the state, starting on October 17 at Port Jervis, where he talked to a rather unresponsive audience of five hundred. During that day he spoke to more than six thousand voters in eleven different places, beginning in the morning a bit hesitant but warming up as he went along. I can remember that when Charles Evans Hughes first undertook to speak extemporaneously, he faltered and almost broke down; but practical experience joined with professional training developed him eventually into a more than tolerable orator. Stimson went through much the same progress. As he continued on his tour, he became more fluent and adaptable. His increasing belligerency in denouncing Tammany Hall was very noticeable, and even his enemies acknowledged that he was doing "remarkably well." A Buffalo correspondent wrote about him: "Mr. Stimson's speech at Buffalo was the best he has yet made. He put more 'ginger' and aggressiveness into it than he has yet manifested, and he was interrupted again and again by prolonged applause. His development as a speaker in the short time since he began his tour has been marked. He is still a little slow in his delivery, and his speeches are somewhat lacking in directness and 'hard-hitting,' but his earnestness makes up for much of what he lacks in eloquence."

This campaign is particularly vivid to me because it was my first appearance in practical politics, as the most insignificant cog in the Republican machine. As a graduate student at Columbia I was always glad to earn an easy and honest dollar, and when the news spread that speakers—paid speakers—were needed by the Republican State Committee, I sought a job. One October evening a little group of aspiring Websters and Bryans assembled at the rendezvous on the Columbia campus and were assigned in pairs to trucks, in the back of which were a fifer, a drummer, and a specialist in red fire. My vehicle drove to a district not far from the Bowery and stopped under the elevated railroad, which would have drowned the voice of a hog-caller. The drum beat and the red fire was ignited; and then I rose, a callow youth before an audience of some fifty or sixty little children, and began: "Citizens of this great metropolis!" It was arduous—and hazardous—for my listeners were usually indifferent and sometimes hostile, and more than once a missile would shoot by my head. But I was paid five dollars a night, win or lose, and while my sympathies were naturally with Stimson, whom I did not meet until many years later, I was primarily a wage earner. Nobody who spoke where I did and was at all sensitive to reactions could help receiving the impression that Stimson's chances of success were poor indeed.

From the beginning wise observers felt that it would be a Democratic year. The schism in the Republican ranks was no secret, and some more reactionary members of the party announced early that they would not vote for a Roosevelt candidate. And a Roosevelt candidate Stimson was considered to be, in spite of his protestations that he would be "bossed" by nobody. It is amusing, in perspective, to read the *New York Evening Post*, strongly anti-Roosevelt, and the *Outlook*, Roosevelt's personal organ, as the campaign progressed. The *Nation*, also no friend of Roosevelt, said on October 6: "We do not know whether Mr. Stimson is a good campaigner or would, in any case, boast of his achievements, but Mr. Roosevelt is ready to do the campaigning and the boasting for him." On October 20, the same weekly periodical printed the following editorial: "Mr. Stimson's speech to the Republican Club of Columbia University was so well put as to deepen the regret that New York has not had a campaign this year in which he might be judged for what he is in himself. It is the unfortunate fact, however, that very little attention will be paid to his personal candidacy, or to what he says. With or without his consent, the chief issue before the people of the State is an endorsement of Rooseveltism; and no argument which Mr. Stimson may make can really divert the main attention from that."

Thus the campaign became, to the average voter, a test of Roosevelt's political strength. According to Elihu Root, who reported direct to Taft, the movement to "knife" Stimson was really aimed at Roosevelt in order to injure his chances in 1912. Root himself made an excellent speech on October 28 in the Manhattan Casino, endeavoring to persuade the voters to forget the Taft-Roosevelt controversy and concentrate on the records of Stimson and Dix. The Democratic candidate adopted a shrewd strategy by remaining at home and announcing that he would make only two speeches. While Stimson and Roosevelt announced their purpose "to separate crooked business from crooked politics; to keep the political machinery of our country clear and free to represent the people's will, regardless of the aggregations which wish to gain a separate and a secret profit from it," John A. Dix kept discreetly quiet. He was well advised, for it was definitely a Democratic year, and nothing could have made Stimson victorious. Taft telegraphed on November 7, endorsing Stimson, but even that did no good. The betting odds, opened early at 2 and 2½ to 1 on Dix, gradually lengthened to 4 and 5 to 1. By an unlucky arrangement of fate, Stimson's first political venture was made against insuperable odds.

All this was made clear on Election Day, Tuesday, November 8, when Dix had a plurality of about 65,000 votes. The *New York Evening Post* promptly declared that the election "renews one's faith in the intelligence and sobriety of the American electorate." The *Outlook* had its own defensive explanation: "The causes of this temporary defeat of Progressive Republicanism in New York, aside from that wave of restless change which affected the whole country, were, in the main, the exposure of corrupt practices among Republicans in the legislature, the inclement weather which made the vote light in the rural districts, the bitter enmity of most of the New York City papers, which preferred Tammany Hall to anything that might savor of endorsement of Mr. Roosevelt, and finally the honest but ill-judged belief of many conservative voters who cannot distinguish between restricting illegal acts of dishonest corporations and interfering with business at large."

But the basic reason for Stimson's defeat was dissatisfaction with the Republican Party, and the rebellion was nation wide. Elihu Root's comment was: "We got a good sound thrashing and I am bound to say that we had earned it. The only question is whether there was enough of it to beat sense into the party and enable us to retrieve the situation in the coming Presidential election." In New Jersey, Woodrow Wilson, running for office, like Stimson, for the first time, was triumphantly placed in the governor's chair. In New York a young man named Franklin D. Roosevelt was elected to the State Senate. Nationally the Democrats gained control of the lower House by a majority of 66 (228 to 162) and carried the governorships of 26 states out of the 48. It was actually a minor landslide, from which Roosevelt, if he had been blessed with intuition, could have derived a lesson.

In the light of what happened, it is illuminating to follow Roosevelt's comments in his letters to Henry Cabot Lodge. On October 1, after Stimson's nomination, he wrote: "After I got into the fight I really enjoyed the Saratoga Convention, and I think the victory may be of real importance. I do not suppose we have much chance of winning, but there really is some. . . ."

On November 11, after the election, he wrote: "Well, there is not much to say. In New York the Combination against us was so strong that I have always felt we had only one chance in three, or thereabouts, to win. . . . In New York the feeling against me is very bitter, and of course people do not take into account the fact that if I had not made my Saratoga fight we should probably have been beaten by two or three hundred thousand."

His formal and presumably sincere comment was published in the *Outlook*, where he said: "The fight for progressive popular government has merely begun, and will certainly go on to a triumphant conclusion, in spite of initial checks, and in spite of the personal success or failure of individual leaders."

For the moment the Colonel's star was in eclipse. He drifted, hardly knowing what to do or say, while the chasm between him and Taft deepened and widened. Not until February, 1912, did he declare: "My hat is in the ring!"

As for Stimson, he resumed the practice of the law, somewhat disillusioned by his failure but clearly a better man because of the experience. He was well aware that, even if he had been Demosthenes, he could not have been elected. Furthermore, fate had better things in store for him. In May, 1911, Taft's Secretary of War, Jacob M. Dickinson, resigned, largely for business reasons, and the President had to choose his successor. His preference was first for Otto T. Bannard of New York, who had managed Stimson's campaign for Governor. At the moment when he had virtually resolved to designate Bannard, however, Franklin MacVeagh, Secretary of the Treasury, suggested Stimson. The recommendation at once made an appeal to Taft, who saw the advantages of effecting a reconciliation between the Administration and the progressive element represented in New York by Stimson. The only difficulty was that while Roosevelt would obviously be pleased by the appointment, the Old Guard—Sherman, Barnes, and the rest—would be disappointed.

In mid-May, having clarified the situation in his own mind, the President sent Charles D. Hilles to New York to offer Stimson the position. The latter was astonished, for he had never met Taft and certainly had no aspirations to go to Washington. Stimson's immediate reply was that he must consult his wife, his partners, his father, and Colonel Roosevelt. That afternoon he motored to Oyster Bay for a talk. After he had listened to Stimson, Roosevelt said: "The greatest favor you can do me is to help Taft make the second half of his administration better than the first half."

When Taft told Senator Root of his decision, the latter telephoned Barnes, only to receive a request that Stimson should not be appointed. This request the President completely disregarded. Throughout the proceedings the President kept his own counsel very effectively, even from his wife and the gossipy Captain Butt; and he rather chuckled when he said to Butt, after the negotiations had turned out favorably:

"I think I scooped everybody, even Mrs. Taft. I will tell Nellie when I go upstairs tonight, and I don't think she will be any better pleased than were Wickersham and Harry." The last reference was to his brother, Henry W. Taft, who had stood by the Old Guard in the New York election of the previous autumn.

Vice-President Sherman—known as "Sunny Jim"—was much annoyed at Stimson's nomination and was inclined to take it as a personal affront. But the President had already determined to yield to no compromise with Sherman or, indeed, with any of the Old Guard politicians, of whom Sherman was the chief. Archie Butt told a story of a dinner which was given for Secretary of State Knox. The Vice-President, when called upon, told an indecent story, at which nearly everyone laughed except Stimson, who "remained grimly silent." The incident, it may be added, was characteristic of both men. Stimson, without being a prude or a Puritan, had always been essentially clean-minded, and the broadly beaming personality of "Sunny Jim" never appealed to him.

And so "Harry" Stimson, defeated for Governor, entered Taft's Cabinet without losing the respect and affection of Theodore Roosevelt, a genuine tribute to his integrity and capacity for friendship. In the campaign of 1912, furthermore, he was openly for Taft, and obviously opposed to what he regarded as Roosevelt's increasingly radical political philosophy.

The Henry L. Stimson of the autumn of 1910 was potentially the same Stimson that we have grown so to admire during the recent war. Intellectually an aristocrat, he lacked the warm popular appeal of Colonel Roosevelt. He was not colorful, and no amount of advice could make him so. He could try to convince a multitude, but he could not harangue them. Always he was direct, unequivocal, and trustworthy. He had about him something of the old Romans of the Republic, of Cato and the Gracchi. In the course of the gubernatorial campaign his opponents attempted to prove that he had received large sums from the government for his work in prosecuting the Sugar Trust. In reply he showed that his income for five years, from 1902 to 1907, had been a net of from $23,000 to $25,000, and that he had sacrificed himself in order to serve the state. Never was a candidate less vulnerable to personal attack, for he had been the soul of honor. Defeated though he was, he emerged with the respect of everybody, and when, a few years later, he ran as delegate-at-large for the New York Constitutional Convention, he received a magnificent tribute from voters of all parties.

As an episode in American history the incident just described is of small importance, just one more gubernatorial campaign. As a phase in the development of a remarkable American, however, it has more significance. It was the second step in a career of extraordinary public service, and it undoubtedly gave him valuable experience. It must have occurred to him then that his forte lay not in running for office but in receiving appointments. He was, and is, one more in the long line of citizens who have had no skill on the stump, but who have excelled in patriotism and efficiency, men like John Hay and Elihu Root and many others who have served their country well.

The Russo-Polish Boundary Problem

By Robert Howard Lord[1]

During the last year of the recent war Russia's insistence upon annexing half of prewar Poland created the most difficult and delicate problem that had yet arisen among the United Nations. How that question could be settled without, on the one hand, shocking the conscience of the world and without, on the other hand, ruining all hopes of permanent collaboration between Great Britain, the United States, and Russia was, presumably, the hardest problem that confronted Allied statesmen in 1945. And while it has now received a rough kind of *de facto* solution, it cannot be said to be legally settled, and still less to be *morally* settled. It is still there to perplex the minds and haunt the consciences of nations pledged to the principles of the Atlantic Charter.

This is, of course, no new question. It is at least five hundred years old. And it is only part of a wider problem, that of the age-long antagonism between Poland and Russia which has dominated the history of Eastern Europe almost as much as the antagonism between France and Germany has dominated the history of the West.

The Poles and the Russians offer the curious spectacle of two neighboring Slavic peoples, closely akin in language and, originally, in blood, which, through a long chain of historic circumstances, have been driven farther and farther apart until today they seem to be the antipodes of each other in traditions, temperament, and tendencies. The Poles have remained relatively pure Slavs, while the Russians have absorbed so much Finnish and Tartar blood that they are often described as half Asiatics. The Poles accepted Christianity from Rome; as a result they have always belonged to the community of Western civilized nations, and they have been the chief bulwark of Catholicism in Eastern Europe. The Russians accepted Christianity from Constantinople; as a result they long found themselves no more a part of "Europe" than is Ethiopia today; and even yet, in spite of over two centuries of "Westernization," it is often said that the nation, as a whole, has not been Europeanized.

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[1] Father Lord's paper, read at the February, 1945, meeting, has been materially revised for printing, in view of the vastly changed situation existing in the autumn of 1946.

Politically, Old Poland developed into an aristocratic republic, in which the nobles and gentry, at least, long enjoyed more civil and religious liberty than was to be found in any other European state. Poland's traditions are of a passion for liberty, sometimes carried to excess, and of an intense individualism. Russia, on the other hand, has, in the main, known no form of government except autocracy and dictatorship. Despite many a serf rebellion and a century of struggles for liberty on the part of a heroic minority, Russia's traditions are chiefly of age-long submission to despotism and to "common tasks" discharged by methods somewhat akin to those of Communism. Socially, Poland has been a land in which the nobility and gentry long played a predominant rôle and even yet retain a large prestige and influence. In Russia the upper classes, which were never very strong anyway, have now been liquidated, and there is today a professedly classless society of workers and bureaucrats. The Russians regard the Poles as a reactionary people, dominated by nobles, landlords, and priests, while the Poles regard the Russians as a decapitated nation of revolted slaves.

While thus developing along such divergent paths, Poland and Russia were for centuries the chief great powers of Eastern Europe. They have had innumerable wars with each other. Poland, in the days of her strength, encroached upon Russia. Russia, in the days of her strength, enslaved Poland. The two nations have got into the habit of regarding each other as hereditary and natural enemies, and each has accumulated against the other a host of old grudges and burning memories. But what chiefly keeps all this alive today is the persistence of a territorial dispute that has gone on in various forms for half a millennium. Just as the Franco-German antagonism is mainly the result of the long litigation over the lands between the Rhine, the Rhone, and the Scheldt, so the Russo-Polish antagonism is mainly the result of a long litigation over the lands between the Vistula and the Dnieper.

Before retracing the history of this dispute, some ethnographic explanation may be necessary. The Slavic nations are divided into three groups: the Western Slavs (Poles and Czechoslovaks), the Southern Slavs (Bulgarians, Serbs, Croats, and Slovenes), and the Eastern Slavs. The Eastern Slavs, in turn, have for centuries fallen into three well-marked divisions: the Great Russians, the Ukrainians or Little Russians, and the White Russians. The first of these groups, the Great Russians or Russians proper, populate most of the central, northern, and eastern parts of European Russia and most of Siberia. They may number from eighty to ninety millions. They are the people that built and ruled the Russian Empire and dominate, if any nationality does, the present Union of Soviet Socialist Republics. The Ukrainians, as the erstwhile Little Russians now prefer to call themselves, are also a numerous folk, with from thirty to forty millions of them spread out over the rich plain of Southern Russia from the Caucasus to the Carpathians, and even spilling over the latter mountain range into what used to be Czechoslovakia. The third group, the White Russians, form a population of only about ten millions, dwelling in the poor and thickly wooded valleys of the Upper Dnieper and its tributaries. The Ukrainians and the White Russians have seldom enjoyed independent statehood. Their historical lot has been to be fought over and buffeted back and forth between Poland and Great Russia. They have been the bones of contention in the secular struggle that is here to be described.

In Tsarist Russia it was long an official dogma that all the Eastern Slavs formed one indivisible Russian nation, of which Great Russians, Little Russians, and White Russians were only slightly differentiated types. The Ukrainian and White Russian idioms were regarded as only local dialects, and printing or teaching in those idioms was sternly forbidden in order that all might come to speak the one Russian language, which was that of Great Russia. Western scholars long subscribed uncritically to these views. With commendable honesty, however, the Soviet Government since 1917 has repudiated a dogma based only on Great Russian nationalism and has accepted the view held by the peoples chiefly concerned—and, incidentally, the view always held by the Poles—that the Ukrainians and the White Russians ought to be considered as distinct nations and their idioms as distinct languages. This frank admission involves the rewriting of much that has passed for Russian history, and it has an important bearing upon the Russo-Polish controversy.

The original Polish kingdom, as it arose under its first dynasty, the House of Piast, was a relatively small state in the valleys of the Oder, the Warta, and the Vistula. Its eastern frontier did not reach even the now famous Curzon Line. During the twelfth and thirteenth centuries this state was split up into a number of warring principalities under various branches of the dynasty—and this just when the medieval German *Drang nach Osten* was at its height. During this fateful period the Germans seized Silesia, Pomerania, and Pomerelia (the modern West Prussia, the land around the mouth of the Vistula), and a German colony came to be planted in what we now call East Prussia—to be a permanent thorn in the side of Poland. When Poland in the fourteenth century recovered her unity and strength, she did succeed, by dint of a Hundred Years' War, in regaining Pomerelia and an outlet to the Baltic. But, in the main, she accepted her losses in the west to the Germans as irretrievable and tried to make up for them by expansion towards the east.

When the Eastern Slavs first appear on the stage of history, in the ninth century, they were mainly gathered in the great valley of the Dnieper, although some of them were already beginning a momentous work of colonization in the endless forests of what is now central and northern Russia. In that ninth century all these peoples came to be united in one vast empire, the capital of which was the ancient and historic city of Kiev, on the lower Dnieper. The princes of Kiev called themselves "Russians" (just where the name came from is a matter of great dispute); and from them the name Russian, in one form or another, was transmitted to all the Eastern Slavs. As the Kievan princes adopted the Byzantine form of Christianity, all the Eastern Slavs also came to be adherents of the Greek Orthodox Church.

During the eleventh and twelfth centuries the Kievan empire broke up into a welter of principalities under the fast-multiplying branches of its reigning house. At that time the far-flung peoples hitherto united in that unwieldy realm largely lost touch with each other, began to develop their local languages and local patriotism, began to be differentiated into the Great Russian, the Little Russian, and the White Russian nationalities. During that period, also, there came a terrific catastrophe. Around the year 1240 nearly all the Eastern Slavs were conquered and enslaved by the Mongols or Tartars from Asia. From that grinding Mohammedan yoke deliverance came in two ways. The Great Russians were freed by the princes of Moscow, who by the year 1480 completed the national emancipation from the Asiatics, and who around the same time succeeded in uniting all the numerous principalities of Great Russia into one large Muscovite state. The Ukrainians and the White Russians, on the other hand, were freed from the Tartar yoke in the fourteenth century by the Grand Princes of Lithuania.

As everyone knows—or should know—the Lithuanians are not a Slavic people but belong, linguistically at least, to an independent division of the Aryan family of nations, the division called the Baltic group. In the fourteenth century this small, secluded nation, which had remained pagan longer than any other people in Europe, suddenly turned into a great conquering race under a very able line of rulers. Within a few-score years these rulers freed from the Tartar bondage all the White Russians and nearly all the Ukrainian people, and united them in an immense Lithuanian empire which included the whole valley of the Dnieper down to the Black Sea. Then, by a fateful historic accident, in 1386, Jagiello, Grand Prince of Lithuania, married Jadwiga, the young Queen of Poland, the bridegroom and the Lithuanian people agreeing at that time to accept Catholicism, the religion of the Poles.

Seldom has a marriage produced such enduring results—for better or for worse. For the union thus initiated between Poland and Lithuania was to be perpetuated, first through a line of common rulers, and then, in 1569, by a constitutional Act of Union freely accepted by both nations. It lasted, indeed, for four centuries down to the partitions of the common state.

In this union Poland, the smaller but by far the more civilized and advanced of the two contracting states, inevitably became the dominant partner. By degrees and quite spontaneously the upper classes —the nobility, the gentry, and the bulk of the townspeople—in the Lithuanian Grand Duchy came to adopt the Polish language, Polish laws and customs, Polish civilization, the sense of Polish patriotism. It was, in the main, only among the peasantry that the non-Polish languages survived. As for religion, the Lithuanians had, as has been seen, accepted Roman Catholicism from Poland, and in course of time the majority of the Ukrainians and White Russians came to adopt Catholicism in the form of a Uniate rite.

Thus the small Poland of the time of the Piasts had, under its second dynasty, the House of Jagiello, come to be a vast empire, one of the two or three largest realms in Europe. Stretching from the Baltic to the Black Sea and from the Carpathians to beyond the Dnieper, this empire embraced virtually the whole of that isthmus that connects Western, peninsular Europe with the solid continental mass of Eurasia. Polish geographers have found much to say about the natural unity of this "Jagellonian Poland." And since the political system of the realm allowed a surprising amount of local autonomy and civic freedom, Polish historians have often described the "Republic," as it was officially called, as a voluntary union of four brother nations—the Poles, the Lithuanians, the Ukrainians, and the White Russians: a union in which the Polish element predominated only because the upper classes of the other nations had voluntarily chosen to turn themselves into Poles.

At all events, for Poland the price of empire was high—five centuries of struggles with Russia. The Grand Princes of Moscow (the Tsars, as they soon began to call themselves) had scarcely completed the unification of Great Russia when they set up the claim that the Little Russians and the White Russians ought also to be under their scepter. Ivan the Great, that worthy contemporary of Louis XI, Ferdinand of Aragon, and Henry VII, was, perhaps, the father of this Pan-Russian thesis, and his successors continued for many generations to advance it with true Muscovite tenacity. For this pretension, which threatened Jagellonian Poland with the loss of three-quarters of its territory, three lines of argument were put forward.

There was the argument from dynastic rights. The princes of Moscow, like scores of other princely houses, were descended from the old Kievan dynasty, and they therefore claimed to be the rightful heirs to all the lands that had once belonged to the Kievan empire.

Secondly, there was the religious argument. As the most powerful sovereigns of the Greek Orthodox faith, the Tsars of Moscow found it a duty to stand forth as the natural protectors of all the Orthodox peoples. This claim was to involve endless trouble for Poland, as later for Turkey.

Finally, there was the argument from nationality. Already it had been discovered at Moscow that Great Russians, Little Russians, and White Russians were all one people, and all of them ought therefore to be united under the "Tsar of All the Russias." This title, which was first assumed by Ivan the Great, was a program in itself.

Of the struggle that ensued as the result of these claims, the writers of the two contending nations have, of course, presented opposite views. Russian historians have drilled it into the minds of their compatriots that the lands between the Vistula basin and the Dnieper, lands largely populated by Ukrainians and White Russians, were Russian lands usurped by Poland-Lithuania; that the Polish rule there was one long tyranny, under which Polish nobles ground down the "Russian" peasantry, and Catholic priests perpetually assailed the faith and rights of the Orthodox; that Poland's persistent attempt to hold these stolen territories was the great crime and the great tragedy of Polish history. Polish historians, on the other hand, have drilled it into the minds of their compatriots that there was no real reason why the Ukrainian and the White Russian nations should not have gone with Poland as easily as with Great Russia; that during the centuries of Polish rule they enjoyed far more political, religious, and cultural liberty than they would have had under Moscow; that the civilization of these lands is Polish; that the educated classes in these lands have voluntarily become Polish; that these territories have furnished half the great Polish leaders of recent centuries; that they are strewn with the graves of Polish heroes and with places associated with Poland's most hallowed memories—in short, that these lands are essentially Polish, if not entirely in language, at least in culture, tradition, and history as a result of five centuries of sharing together in glory, blood, sweat, and tears.

From the time of Ivan the Great through the next two hundred years, Moscow attacked Poland times without number for the sake of winning its pretended heritage in the west. Occasionally the rôles were reversed, and Poland did the attacking. There is no need to go into the details of these wars. In general, thanks to superior military science, the Poles long had the upper hand; and there was one moment (1610) when a Polish army occupied Moscow, and it looked as if a Polish prince would be installed on the throne of the Tsars. But the tide turned around the middle of the seventeenth century, when Poland went through a terrible cataclysm brought on by a revolt of her Ukrainian Cossacks and peasants and simultaneous invasions by all her neighbors. This is the tornado so thrillingly described by Sienkiewicz in his famous trilogy: *With Fire and Sword*, *The Deluge*, and *Pan Michael*. Once more Poland weathered the storm, but at the cost of grave sacrifices. By the Treaty of Andrusovo (1667) she had to cede to Moscow all the Ukrainian territories on the left bank of the Dnieper (the Eastern Ukraine), the city of Kiev on the western bank, and the long-contested fortress-city of Smolensk. At any rate, after two centuries of fighting she had retained the great bulk of the disputed territories—nearly everything west of the Dnieper; and so the frontiers were to remain for another hundred years.

During this next period Polish-Russian relations took on a new character. As a result of her almost incessant wars of the seventeenth century—with Turks, Tartars, Cossacks, Russians, Germans, and Swedes—Poland in the eighteenth century sank into a deplorable state of exhaustion and lethargy. At home the central government was fatally weakened by senseless factional strife and by the morbid fears felt by the nobility that if the King were allowed any real power, he would use it, as most kings had done elsewhere, to make himself an absolute monarch. In these circumstances the Poles for several generations virtually renounced having an army or a foreign policy, and they surrendered themselves to the most dangerous of pacifistic delusions: to the idea that if you disarm and show clearly that you do not intend to attack your neighbors, your neighbors will never dream of attacking you. This policy, of course, produced quite the opposite result. The neighbors, and especially Russia, began to interfere constantly and outrageously in Poland's internal affairs, until the once proud Republic seemed to have become a mere Russian puppet state. It is painful to recall those old, dismal days when Russia dictated every election to the Polish throne and the whole policy of the Polish government, when Russian troops continually flooded the country, and when terrorized Polish parliaments, surrounded by Russian cannon and bayonets, voted whatever the Russian ambassador ordered. And from much that has been happening in Poland of late, the world is driven to fear that those old, dismal days are coming back again—with added horrors.

As the yoke became too galling, the Poles began to resist and to struggle to regain their independence. But that only brought upon them the supreme catastrophe. The three great military monarchies that surrounded them—Russia, Prussia, and Austria—combined to punish the obstinate nation by dismembering it. What began as a punitive mutilation ended in murder. By the three famous partitions of Poland, of the years 1772, 1793, and 1795, the three robber powers completely divided the territories of the old Republic between them, and the very name of Poland was erased from the map. Russia took the leading part in arranging these nefarious transactions and awarded to herself the lion's share of the spoils. It has often been pointed out that the Empress Catherine II, in advancing the Russian frontier from the Dnieper to the valley of the Vistula and in bringing all the White Russians and most of the Ukrainians at last under the Russian scepter, was fulfilling in grandiose style the program of the old Tsars of Moscow. But it seems certain that in doing this she was moved by none of the old Muscovite arguments, dynastic, religious, or nationalist. What did move this German-born, cosmopolitan, skeptical, altogether eighteenth-century lady was simply greed for territory and for good strategic frontiers. Moreover, the arrangements of 1795 were revised twenty years later at the Congress of Vienna, when Prussia and Austria surrendered to Russia their claims to a good part of their Polish spoils, and Russia added to her previous booty Warsaw and most of Western Poland.

There is no need to dwell here on the moral aspects of the partitions. The world has long been accustomed to condemn them as the worst international crime that has been perpetrated in modern Europe. Nor is it necessary to describe the grim servitude to which the dismembered nation was subjected for more than a century by its Russian and Prussian masters (their Austrian ones were far more lenient). The Tsarist government used every means in its power to break the spirit of the solidly Polish-speaking provinces in the west and to weaken the Polish element and influence in the racially mixed lands of Eastern Poland. One characteristic operation was the forcible driving of the Uniate White Russians and Ukrainians back into the fold of the Orthodox Church. One feature of the late nineteenth century was the growth of nationalist movements among the Ukrainians, White Russians, and Lithuanians, movements which aimed at cultural and ultimately at political independence both from Russia and from any Poland that might be restored. Hampered in all three cases by the lack of any large educated or middle class, the national movements attained much success among the Lithuanians, fair success among the Ukrainians, but no great vigor among the poor and inert White Russians.

That "providential war for the deliverance of the nations" for which Polish patriots had prayed for a hundred years, arrived with the First World War. Within a miraculous year and a half the monarchies of the Romanovs, the Hapsburgs, and the Hohenzollerns—all the three robber powers—toppled over; and with that and with the strong support of Woodrow Wilson the restoration of an independent Poland, including "all lands of indisputably Polish population," was assured. The western boundaries of the new Poland were fixed by the Peace Conference of Paris. But that Conference never attempted a definitive settlement of the eastern frontier. For this omission there were two reasons. In the first place, Russia was then still recognized as an Allied power, and the Peace Conference had scruples about disposing of her territory without her consent. But since the Allies did not then recognize the new Soviet government, there was no spokesman for Russian interests with whom they could deal. Secondly, it was difficult to know how far to the east the "lands of indisputably Polish population" might extend. The only official evidence on that subject was the old Tsarist census of 1897—as biased and unreliable a source as could well be imagined.

At any rate, the Peace Conference did mark out the so-called Curzon Line. That line was never intended by its authors to be the definitive eastern boundary of Poland. But at that time the Poles themselves were urging that a kind of minimum line should be drawn, a line that would show what, even according to the most hostile evidence—the census of 1897—was indisputably Polish. Within that line the new Polish government could then definitively install itself and set up a permanent administration. Hence, in December, 1919, the Peace Conference marked out the Curzon Line, primarily as an administrative measure. The Conference meant that everything west of that line was indisputably Polish, even according to the view of the old Tsarist government and presumably according to the view of the new Soviet authorities; and within that line the Poles might consider themselves permanent masters. But it was admitted that they might have valid claims to much of the territory that lay east of that line; and these claims, it was hoped, would later be settled by peaceful agreement between Poland and Russia whenever Russia acquired a government that could be recognized.

Instead, this question was then settled by a new Russo-Polish war. Despite a widespread impression to the contrary, this war was not started by the Poles. It was begun by the Bolsheviks in the winter of 1918–1919, when, following the collapse of Germany, Red armies came hurtling westward, bent upon snapping up all the territory they could seize and, perhaps, hoping to carry the Communist Revolution into the heart of Central Europe. This war went through various dramatic vicissitudes, especially during the final year, 1920. Then for a time the newly formed Polish armies met with great reverses. The Russians came crashing forward almost to the gates of Warsaw. It looked as if the new Poland were doomed to succumb after but two brief years of independence. It was at this moment that the Curzon

Line made its second appearance. In response to Polish appeals to the Western powers for help, the Lloyd George government in England proposed that both the belligerents should accept the Curzon Line, not as a permanent frontier but simply as an armistice line. Immediately afterwards, however, the Poles won a tremendous victory before Warsaw—what they call "the miracle of the Vistula"—and henceforth the war went so decisively in their favor that by the Treaty of Riga, signed in March, 1921, they secured a very satisfactory peace settlement.

The Polish-Russian boundary was fixed by that treaty as it was to stand until 1939. And it was fixed by a then victorious Poland with what seems a rather conspicuous moderation. It must be remembered that the Polish public had always had the feeling that, rightfully, Poland ought to be restored to her frontiers of 1772, since the partitions that began in that year had been so flagrant a violation of law and justice. Nevertheless, the Polish government in 1921 refused to claim the ancient frontiers. It did not claim even as much land as the Polish armies then occupied or as Lenin was willing to concede. It asked only for those territories in the east in which there was a considerable Polish population and which were needed in order to carry the frontier a few hundred miles east of Warsaw for defensive purposes. At that time the Russians showed very little reluctance to accept the new boundary, and for the next eighteen years there seem to have been scarcely any public Russian complaints about it.

Nevertheless, on August 24, 1939, the Soviet Union signed the famous treaty with Germany which cleared the way for Hitler's attack upon Poland and the launching of the Second World War. We now know that at the time this ill-fated compact was signed, the Soviet and the Nazi governments were already agreed that the German invasion of Poland was to be followed by the complete partition of that unhappy country between its two neighbors—in the best style of the eighteenth century. That Poland then had a non-aggression treaty with Russia, that she had given her eastern neighbor no serious grievance, and that she had more than once refused Nazi suggestions for a joint attack upon the Soviet Union—these are facts that throw peculiarly lurid light upon the treachery she was now to experience from Moscow. A few weeks later, when Poland was still valiantly resisting the Germans, she was stabbed in the back through that Russian invasion of her eastern provinces which assured her complete military collapse. At that moment Russia and Germany signed the new partition treaty by which the eastern half of Poland, as far as the Curzon Line, was to be annexed by the Soviet Union, the western half was to go to Germany, and the very name of Poland was again to be erased from the map. Much can be said about the motives of Russian security and high political strategy that impelled the masters of the Kremlin into these transactions. But the almost unparalleled perfidy and violence with which Poland was treated at that moment by Russia can never be explained away. Alongside that, Mussolini's stab in the back against France pales in comparison.

Worse was to follow. Masters from 1939 to 1941 of the eastern half of Poland, the Russians conducted a reign of terror against every Polish and pro-Polish element. Common reports have it that between one and two million Poles were massacred or dragged off into captivity. The plebiscite, conducted under such conditions, by which these territories are said to have given an overwhelming majority for annexation to the Soviet Union can only be considered an odious farce. After Hitler's attack upon Russia, in June, 1941, there was, indeed, a brief Russo-Polish rapprochement. The Polish government in exile at London having found the courage to forgive the recent past and to send its Prime Minister to Moscow on a mission of reconciliation, a treaty of friendship and alliance was signed, by which Russia at least went so far as to declare that she no longer considered her treaty of 1939 for the partition of Poland valid. But as soon as the tide of war turned at Stalingrad, Russian policy towards Poland shifted. From 1943 onward, Moscow lost no opportunity to pick quarrels; it broke off relations with the "reactionary" and "anti-Russian" government in exile at London; it set up as a rival authority that "Polish Committee of Liberation" which can only be described as a collection of political nonentities and pro-Russian Quislings; and it finally established this group of hand-picked puppets at Warsaw as "the government of Poland"—a government the head of which was not even a Polish citizen but a Communist agitator of many years' standing. Meanwhile Moscow had also discovered that the Treaty of Riga was an intolerable settlement, imposed upon Russia by an imperialistic Poland; and it insistently demanded that the Western powers should now accord to Russia all those Polish territories that she had once thought to gain by a conspiracy with Hitler.

The territory demanded had an area of 77,000 square miles: *i.e.*, it was considerably larger than all New England. It included slightly more than half the total area of prewar Poland. It is true that much of it was poor and sparsely populated, particularly the dismal region of the Pripet Marshes. But it also contained some very fertile agricultural districts, and in the south there were the highly important Galician oil fields, which were Poland's only source of oil, whereas Russia had vast reserves of it already.

The population of the disputed territory, according to the latest Polish census, was, in round numbers, 12,377,000. Among them were 5,274,000 Poles, 4,529,000 Ukrainians, 1,123,000 White Russians, 1,109,000 Jews, and 134,000 Russians. Accepting these figures as at least the best rough guide there is to the ethnographic situation, though charges of tendentiousness have, of course, been brought against them, one finds that the Poles formed the largest single element in the population. They did not constitute an absolute majority, but they would have done so if the Jews were added to the Polish column, as Polish spokesmen say ought to be done. The Poles were found everywhere in this region; in many districts they were in the majority; nearly everywhere they formed the upper or "white collar" class. In other words, they were the large landowners; they and the Jews usually predominated in the town populations; the other races were chiefly represented by the peasantry. And the disputed region contained two great cities, Lwów and Wilno, which for centuries had been among the principal centers of Polish life and culture and which were as dear to the Poles as Boston and Philadelphia are to the Americans.

Why did Russia now demand these lands? It would be a bold man who would claim to fathom the mind of the present master of the Kremlin, and I shall not indulge in speculations as to what deeper motives, what general aims of high policy, may be involved here. The Soviet government has, of course, abandoned all three of the claims that the Tsarist régime used to advance to support its claims in this region. Obviously the dynastic claim of the Tsars as the heirs of the old Kievan princes can mean nothing today. Neither can the old religious argument about the duty of Holy Russia to liberate the other peoples of the Orthodox faith, since the present Russian government repudiates all forms of religion. Nor does Moscow any longer maintain that the Ukrainians and White Russians are integral parts of the one Russian nation, whose unification will never be complete without them.

Renouncing the traditional Tsarist contentions, the Russians now seemed to have only two chief arguments with which to support their demands. The first was the right of the Ukrainian and White Russian peoples to complete their national unity. The great bulk of both nations before 1939 was already within the Soviet Union, in which for each of them there had been organized a Soviet Socialist Republic. Under this arrangement both peoples enjoyed such linguistic and cultural freedom as the Tsarist government had never allowed them —and no political or economic freedom whatever. Now it was affirmed that the considerable portions of both nations that were under Polish rule before 1939 must be reunited to the rest of their peoples; that they were in the majority in most parts of the disputed territory, the White Russians in the north and the Ukrainians in the south, and, therefore, that their wishes ought to prevail; that Poland must at last renounce her historic blunder of trying to maintain an unjustifiable rule over other races; and that until she had renounced it, there could never be any permanent peace between her and the Soviet Union.

The second Russian argument was that of military security: that Russia's occupation of this region in 1939 had proved of inestimable advantage in helping her to meet the German attack in 1941, and that she needed this western bastion for defense against aggressions in the future.

To these arguments the Poles replied, in the first place, that the argument about military security was ridiculous. How could anyone believe that Russia, who already held one-sixth of the land surface of the globe, could not be secure without annexing 77,000 more square miles and robbing Poland of half her meager possessions? Again, said the Poles, historically and culturally these lands were Polish and not Russian. Prior to 1938 Russia had never owned them except during the century and a quarter when she held them by virtue of the iniquitous partitions. There were virtually no Russians to be found in them. As for the right of the Ukrainians and White Russians to national unity, that argument might have much force *if* the populations concerned really desired the change proposed. But the Poles maintained that they had every reason to believe that their Ukrainians and

White Russians would much prefer to remain under the milder rule of Poland rather than be transferred to the iron régime of the Communists, which would rob them of the two things they valued most, their land and their religion.

From a democratic standpoint the best way to settle the question would doubtless have been to let the population of the disputed territory decide for themselves, if there were any possibility of having an honest popular vote. But the referendum conducted by the Soviet government there in 1939 was certainly not that, and it is only too probable that any future referendum held under Soviet "protection" would be equally farcical. And it is not to be expected that the Soviets would tolerate a plebiscite taken under the protection of anybody else.

In this situation one can only guess at what the majority of the population in 1939 or in 1945 would have chosen, had they been free to choose. My own belief is that a large majority of the prewar population would have preferred to remain under Polish rule. This view is strengthened by the fact that both during their occupation of Eastern Poland in 1939–1941 and since their reoccupation of the country from the Germans the Russians carried on a reign of terror against the natural leaders of the Ukrainians and White Russians as savage as that directed against the Poles. Such rigors would be unnecessary if the conquerors really believed they had the sympathies of the populations in question. True liberators do not behave in that fashion.

For this reason and because it seems to me that the Polish arguments in the case are, in general, much the stronger, my own feeling is that Poland ought to have been restored to the whole of her prewar territory. No other solution would have done so much to calm the rising tide of fear that we are in for another era of power politics, that after the Allied victory the rights of small nations would be no more secure against the ambitions of the great powers than they have been in the past. No other solution would have done more to relieve the conscience of the world and to restore faith in the principles of the Atlantic Charter.

Unfortunately, however, the whole drift of events has been in the opposite direction. Great Britain, always partial to the Curzon Line and strangely oblivious of her prewar pledges to defend the independence and integrity of Poland, was the first of the Western powers to yield on this question. And the American government, unhappily, did not long hold out. At the Yalta Conference early in 1945 Mr. Churchill and Mr. Roosevelt accepted what is substantially the Curzon Line as the future eastern boundary of Poland, and—what was equally tragic—agreed to recognize Russia's group of protégés as the government of Poland, subject only to certain promises—which have ever since been scandalously violated—that this group would be widened by the inclusion of other democratic elements, and that it would attempt as early as possible to hold a free general election. The Quislings of Warsaw then proceeded to repay their masters by signing a treaty ceding half of Poland to Russia.

It is true that Stalin had long been affirming his desire to compensate Poland for these losses by generous—and more than generous—gifts of German territory. And at the Potsdam Conference, in July, 1945, Britain and America once more supinely submitted to the Russian program. It was agreed that all Silesia, Brandenburg and Pomerania east of the Oder, the great port of Stettin on the west of the Oder, and half of East Prussia were to be turned over to Polish administration, the rest of East Prussia being reserved for Russia. According to the letter of the agreement, these arrangements were to be merely for administrative purposes, the final disposition of these territories being left to the future Peace Conference. But the Russians and their Polish satellites at once set to work to evict the whole German population from these territories, driving millions of hapless people from lands which have belonged to Germany for many centuries, and replacing them, as far as possible, with Poles transplanted from the Polish lands ceded to Russia. And having thus achieved, in large part, at least, a gigantic and horrible *fait accompli*, Moscow and Warsaw are now maintaining that the fate of Eastern Germany is definitively settled and that they will not permit the United States or anyone else to question that fact.

Painful beyond words is the bankruptcy of Anglo-American statesmanship in the Polish Question up to date. London and Washington have allowed and even sanctioned so unparalleled a transaction as that by which one of the United Nations has robbed another of the Allies of half its territory. Even within the remaining half the weaker nation has been stripped of its independence and compelled to endure a government imposed by Russia, a government the members of which have no qualifications for their position except their willing-ness to do anything that Russia may require of them. And to complete the tragedy, Poland is to be saddled with enormous, unjustifiable, and dangerous acquisitions of German territory, acquisitions that go far beyond what sane Polish patriots would claim, acquisitions that can only breed perpetual enmity between Germany and Poland and are all too likely to produce a new war.

But none of these questions is yet definitively settled, not even the question of the Russo-Polish frontier. For the agreements made by Mr. Roosevelt and Mr. Churchill at Yalta bound themselves, but not necessarily their countries: the American Congress and the British Parliament have yet to be heard from. And the cession made by the Warsaw "government" has no more binding force. The people who make up that body have no real claim to be considered the legal government of Poland. And even if they had, when did a professedly Provisional Government ever gain the right of ceding away half the national territories without consulting the nation's elected representatives?

Is it too late to hope for a great revision of Anglo-American policy in Polish questions? London and Washington have the strongest legal and moral rights to insist upon restoring to Poland genuine independence and a government resting upon free elections. They have also a right, and a most pressing duty, to seek a solution of the Polish-German territorial questions that will respect the rights of both nations and will not form a permanent menace to the peace of Europe. And in connection with the German settlement, it is much to be desired that the Polish-Russian boundary question should be reëxamined and settled in a way that could be freely accepted by the Polish people, in a way that might prove that justice, and not force, is to rule the post-war world.

Historical Perspective in Contemporary Crises

By Arthur Burr Darling[1]

To examine the present madness of the world as if you had no concern, no desire with regard to the outcome, requires an aloofness of person and purpose that does not seem humanly possible. If you assert the cool intent even so, and declare that you mean to hold it entirely apart from your feelings, the neighbors are convinced that either you are insensate or you are striking a pose—just another exhibitionist, over-bold indeed. Before this audience today, however, I have no more than to suggest the boiling points of yesterday, and tomorrow, to complete my thought and give it fullest meaning. I need but mention indoctrination, propaganda, teachers' oaths, Americanism, Communism. There is no confusion left for you. You are aware of the dark recesses. You have been sharply warned by your self-appointed overseers, those custodians of the American way of life as they wish it—not necessarily as it ever has been, is, or should be. You are observing now another witch hunt in the committee rooms and over the tea cups. And you are not surprised. You know that it is endemic, hectic, a recurring malaria. You may have come almost to welcome it, as the Puritan who loved not so much what he endured as his love for enduring.

Strident voices may rise again at any moment, assailing our textbooks and demanding the heads of their authors, but overlooking or ignoring the real errors in the books, the errors of fact and of judgment. It was but six years ago that the report by Mr. Ralph West Robey created its stir for the National Association of Manufacturers. Already evidence is reappearing that college professors and school teachers may have something to think about besides the margin between what they receive for their work and what it costs to keep alive.

Manufacturers are like farmers, at least in one respect. They need but to change vest with investment to get on the opposite side of a controversy. Farmers enjoy higher prices on foodstuffs. Mill-owners do not. They deplore governmental regulation of hours and wages if it means rising costs without compensating increases in selling-price. Farmers deplore governmental regulation, too, if it means increases in price to them as consumers of those manufactured goods.

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[1] This paper was read at the March, 1947, meeting.

The Mary Lease who rallied the farmers of Kansas in the 1890's was not far from the Daniel Webster of 1812 who had railed at President Madison on behalf of the ship-owners of Portsmouth, New Hampshire. Mrs. Lease screamed at creditors in the East that Wall Street owned the country.

> It is no longer a government of the people, by the people and for the people but a government of Wall Street, by Wall Street and for Wall Street. The great common people of this country are slaves, and monopoly is the master. The West and South are bound and prostrate before the manufacturing East. Money rules, and our Vice President is a London banker.[1] Our laws are the output of a system which clothes rascals in robes and honesty in rags. . . . Kansas suffers from two great robbers, the Santa Fé Railroad and the loan companies. . . . We want money, land and transportation. We want the abolition of the National Banks, and we want the power to make loans direct from the government. We want the accursed foreclosure system wiped out. . . . We will stand by our homes and stay by our firesides by force if necessary, and we will not pay our debts to the loan-shark companies until the Government pays its debts to us. The people are at bay, let the bloodhounds of money who have dogged us thus far beware.

And she implored the sod-breaking debtors about her to "raise less corn and more hell." She was quite right about the corn. They were helping to depress their own selling-price.[2]

Daniel Webster, Congressman from New Hampshire, had admonished the President that the "Federal Constitution was adopted for no single reason so much, as for the protection of commerce." And then, drawing the notorious red herring of those days, French "brotherhood" and alliance with the United States, that "idea big with horror and abomination," Webster declaimed: ". . . if it be in the righteous counsel of Heaven to bury New England, her religion, her governments, and her laws, under the throne of foreign despotism, there are those among her sons, that will never see that event. . . ." There was more of this, much more, but it all came down to the unmistakable, simple threat of sedition as Madison's administration approached war with Britain. "No pressure, domestic or foreign," declared Webster, "shall ever compel us to connect our interests with those of the house of Corsica; or to yoke ourselves, to the triumphal car of the conqueror and the tyrant of continental Europe."

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[1] Levi Parsons Morton (1824–1920).

[2] John D. Hicks, *The Populist Revolt* . . . (Minneapolis, [1931]), 160, quoting from Barr, "The Populist Uprising," in *A Standard History of Kansas and Kansans*, William E. Connelley, Editor, (New York and Chicago, 1918), II. 1115–1195.

To establish the issue between New England and the United States of America, and possibly to leave himself a way out of a distressing situation, Daniel Webster concluded his "Rockingham Memorial" of August, 1812, with: "It only remains for us, to express our conscientious convictions, that the present course of measures will prove most prejudicial and ruinous to the country, and to supplicate the government to adopt such a system as shall restore to us the blessings of peace and of commerce." And there he was safely past the brink of disloyalty, exercising merely his constitutional right of petition for redress of grievances, in pursuit only of—"peace and commerce." Perhaps you, too, think that there was something more courageous, as well as amusing, about the performance of Mary Lease in 1890.

Let us not delay over the long and familiar story of a subsequent Daniel Webster who found himself in 1830 on the side of that majority which he had called "small and heated" in 1812. You will remember that Webster, now national, was quite "heated" when replying to Senator Hayne of South Carolina in the Great Debate. You know without reminder that the cotton-planters were both a "large" and a very "respectable" minority; and although Webster had changed sides with the growth of manufacturing in New England, you recall that the planters were still greatly interested in keeping the Constitution as it had been adopted, "for the protection of commerce." It surely had been designed for that economic purpose more than for the subsidization of manufactures by means of protective tariffs. Daniel Webster reached his climax in 1830 with school-boy thunder: "Liberty *and* Union, now and for ever, one and inseparable!" But he really summed the matter when in 1843, on another issue with which he was not so directly concerned, he remarked: "In a question of *goring*, it makes all the difference in the world, who owns the *Bull*, and who owns the *Ox*."[1]

Miss Dorothy Thompson added her bit to the hullabaloo over the Robey Report for the National Association of Manufacturers in 1941, increasing the interest and heat appreciably. In addition to her usual plug for *The Federalist*, a good word for Tocqueville and Bryce on America, and reverent attention to Abraham Lincoln's long draughts from the Bible, Miss Thompson declared her preference for social science by Harold Rugg, rather than by George Sokolsky. For those of us who had seen, heard, read, or known of both Mr. Rugg and Mr. Sokolsky, the comparison was very funny without any relation at all to the National Association of Manufacturers for whom Mr. Sokolsky was said to work, and Mr. Rugg evidently not. But, although Miss Thompson heightened interest, increased warmth, or amused, as we were fickle by nature, she did not so much as touch upon the real errors of fact and judgment in the books under Mr. Robey's fire; she did not get into what, in my opinion, should be the matter at issue in every case of the sort. It is the establishment of historical perspective, and maintenance of historical criticism, upon current problems regardless of the conflicting interests.[1]

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[1] Daniel Webster, *Writings* . . . (National Edition, Boston, 1903), xv. 587–610, 191.

Mr. Walter Lippmann responded to Mr. Robey with a piece about "Being Too Current." To him there was a "fallacy" present; and he argued with his accustomed lucidity to prove the point. He scored more hits than Miss Thompson upon our educational system, and cleared the way to the fundamental question, but he did not altogether prove his point, as I see it, about the fallacy in studying contemporary issues; nor did he complete his thought in regard to historical perspective.

For Mr. Lippmann the fallacy lay in the assumption that "the way to prepare the young for the future is to furnish them views about the present." This he properly criticized as likely to provide "a new education every time there is a shift in the winds of political opinion." No one, he said, begins the study of medicine by forming opinions on the curative properties of insulin and sulfapyridin; but when it comes to education, "we of this generation have been persuaded to think we can run before we learn to walk." Agreed. But when Mr. Lippmann turned to the record of the American people for support of his argument, he did not use all the evidence within the area of his choice.

The founders of the American Republic were extraordinarily well educated men, he said; their political judgment had been formed by study of Greek and Roman classics, the scholastic philosophy, and the struggle of their ancestors for law in England. They did not study text-books dealing with the controversies of 1760 as they framed the Constitution in 1787; they drew upon minds, he said, that "had been stocked with the experience and wisdom which remained after the smoke and dust of ancient controversies had been cleared away." Thus, they could "see through the smoke and dust of the contemporary controversies and could judge them in perspective."[1]

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[1] *Boston Globe*, February 28, 1941.

To this we can give ready assent and still maintain that Mr. Lippmann did not have the whole of it. The men who drafted the Constitution in 1787 did not study books on the controversies of the 1760's nor of the preceding winter of 1786; obviously not, for there *were* no text-books on those controversies. And if there had been, they could hardly have been written in accord with Mr. Lippmann's idea of perspective during that spring, before the Constitutional Convention assembled at Philadelphia. The framers of the Constitution studied the controversies themselves, very closely, as the provisions in the Constitution bear witness. One has only to look at the clauses regarding taxation and currency to appreciate that the men at Philadelphia in the summer of 1787 were expert on the discontents of their own time—the rioting of tax-payers against Parliament in the 1760's and the rebellion of debtors led by Daniel Shays against the General Court of Massachusetts in 1786.

They made certain that the new central government which they were establishing in the place once held by King and Parliament should have the taxing power and the control over currency which they had just denied to Parliament. They took care that state governments and local authorities should not interfere with the exercise of that federal authority, as their colonial assemblies had always been ready to do.

The founders of this Republic demonstrated, not the fallacy in attempting to study current problems, but rather the efficacy of doing so, provided the correct perspective is maintained. This proviso Mr. Lippmann appeared to include in his remark that the founders had been "stocked with the experience and wisdom" from "ancient controversies" and thus were equipped to "see through the smoke and dust of the contemporary controversies and . . . judge them in perspective." But, if I may not be charged with captiousness, with seeking a distinction where there is no difference, may I hold that there still is more to the thought than Mr. Lippmann gave in his remarks upon the Robey Report to the National Association of Manufacturers in 1941?

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[1] *Boston Globe,* March 1, 1941.

No one can take exception to the requirement of experience and wisdom as indispensable to historical perspective. Everyone should see that it is not complete unless it contains also that which Aristotle distinguished as posture, or attitude. This, it seems to me, the framers of the Constitution possessed above and beyond experience and wisdom, enveloping those essentials to perspective and giving them vitality.

There were heated discussions in the Convention. It nearly broke up without finishing its work. There were bitter feelings, even some use of force, during the contest over ratification by the several state conventions. But in spite of individual rancor and provincial jealousy such as Patrick Henry and his colleagues displayed in Virginia, and Samuel Adams and John Hancock in Massachusetts, there ran throughout the construction and adoption of the Constitution the dominating purpose of treating the difficulties of the present in the light of past experiences for benefits in the future. This purposive attitude derived not only from particular interests, as it surely did in part, but also from deliberate regard for the "common defense" and the "general welfare" and "posterity" as so eloquently expressed in the preamble of the Constitution. If such an attitude is maintained, such a steady gaze upon interests other than one's own, though they rival and conflict, there is less likely to be fallacy (though there may be much unpopularity) in applying historical perspective to contemporary crises.

At the close of his article on "Being Too Current," Walter Lippmann stated his belief that the text-books of our schools should deal with the struggles of Hellas and Persia, Athens and Sparta, as better preparation of our children for an understanding of this war than its own communiqués, broadcasts, and commentaries. I can argue, I think, as strongly for the American War between the States of my father's boyhood. But if we do go back to classic events before the birth of Christ, we should realize that we are going back for the greater part of our information about the struggle between Athens and Sparta to the recordings of a certain Thucydides, who made his observations of current controversies through historical perspective at the very moment when he himself was participating in them.

Let us pick up the narrative on Jowett's wave-length for a moment. It was not caught on wax. It is marmoreal.

> Thucydides, an Athenian, wrote the history of the war in which the Peloponnesians and the Athenians fought against one another. He began to write when they first took up arms, believing that it would be great and memorable above any previous war. For he argued that both states were then at the full height of their military power, and he saw the rest of the Hellenes either siding or intending to side with one or other of them. No movement ever stirred Hellas more deeply than this; it was shared by many of the Barbarians, and might be said even to affect the world at large. . . . I lived through the whole of it, being of mature years and judgment, and I took great pains to make out the exact truth. For twenty years I was banished from my country after I held the command at Amphipolis, and associating with both sides, with the Peloponnesians quite as much as with the Athenians, because of my exile, I was thus enabled to watch quietly the course of events.[1]

If Thucydides lost his perspective, his detachment and objectivity, because he fought for Athens, suffered banishment, and then associated with Spartans, it is not apparent in his narrative, least of all in his attitude.

> Of the events of the war I have not ventured to speak from any chance information, nor according to any notion of my own; I have described nothing but what I either saw myself, or learned from others of whom I made the most careful and particular enquiry. The task was a laborious one, because eye-witnesses of the same occurrences gave different accounts of them, as they remembered or were interested in the actions of one side or the other. And very likely the strictly historical character of my narrative may be disappointing to the ear. But if he who desired to have before his eyes a true picture of the events which have happened, and of the like events which may be expected to happen hereafter in the order of human things, shall pronounce what I have written to be useful, then I shall be satisfied. My history is an everlasting possession, not a prize composition which is heard and forgotten.

Thucydides did not write of social activities which engage historians today. But he determined the method and fixed the process. In the light of his achievement, no one can say that the application of the historical method to contemporary affairs has to be either delusive or impracticable.[2]

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[1] *Thucydides,* translated by Benjamin Jowett (Second edition, revised, Oxford, 1900), I. 1, and II. 122.

[2] *Ibid.,* I. 16.

As I study and teach history, I am often reminded of what an American—noted even in England for his analysis of Magna Carta—George Burton Adams, once said as he sat, patriarchal, benign, elderly but keenly alert, among a group of youngsters talking shop. One of us had been expatiating upon his particular technique and—we were to infer—success in historical research. He remarked that if you were to be an historian of the first order, you had to interpret the facts. Mr. Adams interrupted in his mild way: "The historian never states anything but the facts; if his interpretations are not in themselves facts, they are not history."

The formula is rigorous, exacting, punishing to him who would write history. Because this is so, however, does not mean that the product of his effort has of necessity to be insignificant, heavy, or as Thucydides feared, "disappointing to the ear." Good style may be rare, but it is not impossible because the materials have been quarried from solid investigation. Men of letters have been known among historians. But, if what they produce is not fact, it is not history. It is fancy. If they have not the wit to discover that which lies beneath the first layer, they are not historians. They are raconteurs, if not charlatans. Whatever may be in them, it is not necessarily the truth.

The very origin of the word *history* from the Greek *to know* confines the approach, as it indicates the value of the process. The historian must seek to know. He has no choice in the matter. He is impelled regardless of consequence to learn the facts in the course of much observing from every angle. He must examine them with cool detachment, consciously established and, as important, maintained against all external pressures. The historian cannot allow himself to thrill, though the poet may, at the call of the bugle down the winter's wind. Although participating in the event, as did Thucydides, the historian must be a man without a country when describing it. He may not regret, with Nathan Hale, that he has but one life to give for his country. He may not stand *pro patria* in disregard of facts. Nor may his be the rôle of quick censure. He may not join in the angry clamor, "Hang the Kaiser," as many of us did. And surely, though he personally delight in it, he may not echo Churchill's resounding judgment upon Hitler, that "wicked man."

Just as the historian can accept no limitation from without because of country, class, or friendship, so even less may he permit opinions within himself to exclude anything from his scrutiny or distort what he is examining. Hard as it may be to separate himself from his ancestry, culture, ethical inheritances, and conceptions, he must make the conscious effort to do so while considering the problems and the behavior of others. He must always keep himself aware of his own bias, if he would be an historian. This is the attitude which he has to assume and to which he must become disciplined. Without it he will not come even near his aspiration to historical perspective.

Whatever the function in society of the soldier, politician, advocate, poet, or moralist, the mandate of the historian is to stand apart in candor and equilibrium, turning over the evidence in the case for every aspect of it, for any and every interest involved in it, dissociating the extraneous and irrelevant, separating the material into categories for appraisal, whether of his own choosing or Aristotle's famous division of things according to their substance, quantity, quality, relation, time, place, posture, possession, action, or passion. This is an affair of analysis and judgment. The historical process is a judicial process. The judge endeavors to resolve the conflicting interests in the case before him into agreement with the reality of the law. The historian analyzes the evidence before him in search of the truth.

This would seem final. Here, it would appear, is an absolute putting an end to further discussion. To the poet Keats, "Beauty is truth, truth beauty,—that is all ye know on earth, and all ye need to know." But *is* truth such an absolute? Possibly, to the poet; but to the historian truth is conformity with fact. And again, though it be wearisome, what is fact? And who decides what is conformity? And when? Aristotle's categories include time and, I may add, passion. Possibly the ultimate truth is that truth itself is relative, as the only apparent constant in history is change.

Writing on "Generalities That Still Glitter," Carl Becker endeavored to establish an ideology, a "faith" for what all of us call "democracy"—and each in his thinking treats somewhat differently from every other one of us. Mr. Becker remarked in the course of his essay that it did not matter that we could not share the belief of an earlier generation in the easy triumph of the right-thinking man; it did matter that we should still believe in his eventual triumph. Here in a glance was truth related to historical perspective in a contemporary crisis. Here, too, were things caught in Aristotelian categories of time, posture, and passion. Mr. Becker went on to say that reason had taken shape subtly from subconscious desire and emotion, and had gained power from their limitation. Freud as well as Aristotle had him under guidance. And then he came to the essence of this whole discussion. "The fallacy," he declared, "is to suppose that because truth is in some sense relative, it cannot be distinguished from error, or that the margin of error cannot be progressively reduced."[1]

Indeed then, as we have suspected, truth is no absolute after all. It is highly relative and gravely susceptible to Freudian desire. It is subject to passion, action, and posture, to the dynamics within the categories of Aristotle. Even so, the historian can surely, if slowly, distinguish truth from error. Neither truth nor error may ever be wholly encompassed and confined. But steady examination of contemporary crises and recurrent dangers, in historical perspective, will bring us closer to an understanding of the madness of this world and what should be done about it.

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[1] *Yale Review*, Summer, 1940.

Memoirs

Charles Edward Banks

By Charles Knowles Bolton

ALTHOUGH Colonel Banks was not much more than a name to most of the members of the Society before his election on November 12, 1925, he had written on historical subjects and had been generous with gifts for several years. From this date to the time of his death he was a prominent figure at the Society's meetings. Well poised, clear-minded, and forceful in debate, he held his own against all comers. His papers in the *Proceedings* are numerous during this short period, and they are real contributions to our store of knowledge. Back of these six years lay nearly half a century of arduous professional service as a government medical officer.

Charles Edward Banks was born in Portland, Maine, July 6, 1854, the eldest child of Edward Prince and Ellen (Soule) Banks. When Jefferson Davis visited Portland about 1855, he kissed the infant Banks and with pardonable political exaggeration declared him the prettiest baby ever seen. In later years the Colonel modestly suggested that the nurse was the object of Davis's admiration and that Davis escorted the baby carriage to the top of Munjoy Hill and down again.

Banks went through the local public schools. At the High School he wrote class songs, musical comedies, and dramatic sketches, making his mark as an actor and wit but not as an athlete. He was infatuated with his studies in history. At the Portland School for Medical Instruction and later at the medical schools of Bowdoin and Dartmouth he obtained a continuous course of didactic and clinical work. He was graduated from the Dartmouth Medical School at the head of his class in 1877.

Dr. Banks practised in his native city for three years and in 1879 won the Fiske Fund Prize for an essay on cholera infantum. He was appointed assistant surgeon in the marine hospital service on July 6, 1880, and was stationed at San Francisco.[1] From this date, for forty years, he was constantly employed in American cities from Tampa, Florida, and Portland, Maine, in the East to stations on the Pacific coast. Wherever he lived, he took an interest in local improvements and in club activities. With him went also his books and manuscripts. During the yellow-fever epidemic in 1905 at New Orleans and Pensacola he volunteered for service and showed courage, energy, and administrative ability. He was transferred to his native city in 1909. In 1913 he was at Milwaukee, and in 1915 he took part in the fight against the great infantile paralysis epidemic, having charge of the government's preventive measures at New York City to check the spread of the disease to other states. There were 10,000 cases in the city, and his successful efforts demonstrated his unusual executive ability. After the United States entered the war in 1917, he was assigned to Camp Funston, Kansas, where he had to contend with an epidemic of cerebro-spinal meningitis. In the spring of 1918 he was summoned to Washington where he became chief medical advisor to the new War Risk Bureau. In consideration of his important achievements he was commissioned assistant surgeon general (Reserve) in February, 1919, with the rank of colonel. He served as an inspector of government hospitals where disabled soldiers were being treated until he was assigned to the command of the Eighth Service District with headquarters at Chicago. His staff grew from twenty-five to two hundred, with four hundred field officers in Illinois, Wisconsin, and Michigan. He used to say that his last four years of active duty were more strenuous and exacting than all the previous years combined. In March, 1921, he was placed on permanent waiting orders. All this may seem to be a dull outline, but it records progressive self-sacrificing service.

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[1] In 1881 he was transferred to Portland, Oregon. There followed a period of service in Washington, D. C., spent in revising the service regulations (edition of 1884), and then he went to Chelsea, Massachusetts. He was in command at Portland, Maine, 1887–1889; at Vineyard Haven, 1889–1892; at Portland, Maine, again, 1892–1895. For the following

Colonel Banks traced his ancestry to Richard Bankes, a prominent founder of Gorgeana, later York, Maine. He used to laugh at genealogy, asserting that he was descended from Queen Elizabeth and the Banks of Jordan, but the trend of his sympathies and prejudices in the field of history can be linked up with his ancestor—an Episcopalian of Maine who disliked the Puritans.

As early as 1877 he began to study the lives of the founders of

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seven years he was medical purveyor of the service in the surgeon general's office and in New York, visiting every marine hospital except three and improving the equipment throughout. Dr. Banks was in Chicago in 1902, and in 1905 at Key West.

Maine, and in 1881 he contributed his first paper to the Maine Historical Society. Even in his courting days Colonel Banks was so devoted to antiquarian pursuits that he visited graveyards with his fiancée, Miss Florence Margaret Root, of New Haven, whom he married on July 15, 1880.[1] While stationed at Vineyard Haven he began to write his *History of Marthas Vineyard*. The first volume, with an admirable portrait of the author, appeared in 1911. The second volume came out the same year, and the third in 1925.

Meanwhile, he went to England in September, 1922, to carry out a long-cherished plan to search for the English homes of early settlers of New England. He remained until December, 1923. He went there again in July, 1924, and remained six months. His last visit continued from April, 1925, to December, 1926.

Among the prominent men whom he met was Mr. A. T. Butler of the College of Arms. Mr. Butler writes: "Colonel Banks was essentially practical and extremely industrious. His average working day was something like twelve hours." Banks always thought that in England he was hindered in his quest for manuscript records by his obvious Americanisms. "On the suggestion of a friend," writes Mr. Butler, "he carried an umbrella for several weeks, but even that, as you might know, was not enough to conceal his nationality." With no thought of malice but in his usual vein of humor Banks wrote in a letter to the Gardner Bartlett family: "I am hobnobbing with Garter Kings, and Blue Mantles, Rouge Croix, and Pink Zebras, at the College of Arms."

Although he was reasonably reserved in print, his letters were rollicking enough and frankly exhibited his historical bias. He referred to the passengers of the Winthrop fleet as "pot-hatted theologians of 1630"; he usually spoke of the governor himself as "Sir John," and of Endecott as "Earl Endecott of Chagford." He said that he got in touch with Frederick Bligh-Bond, of Glastonbury fame, and through him talked with the spirit of "Sir John," who was "undergoing penance as a measure of self-immolation for jibes neglected—neglected chances to crucify the ungodly in his Liber Veritas." Goodman Bankes would be an easy mark for a Puritan's pen, of course!

Colonel Banks liked the "sea dogs of the west country," those carousing fishermen who were of the established church if not often in it.

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[1] There were three children of this marriage: Beatrice (Mrs. Alfred Brinkler), Constance (Mrs. Earle C. Rundlette), and Philip Whitgift Banks.

"Banks never let genealogy narrow his vision," said one of the ablest of our New England scholars, who added: "He had a truer knowledge of colonial individuals than many well known historians." Indeed, he was on terms of intimacy with Winthrop, Endecott, Bradford, Thomas Morton of Merry Mount, Captain Walter Gendall, Colonel Alexander Rigby, Edward Godfrey, the Reverend William Blaxton, the crew of the *Mayflower*, and a host of others.

Banks was no cribber of other men's views but studied for himself the motives of the men on the stage. As an example, he assumed that Governor Winthrop, when he mentioned his son Henry in his journal, carried the thought of him into succeeding sentences. Hence Banks judged Henry, not by his father's direct reference to him, but by what the governor later said of other young men on the ship. A better example of his method is to be found in his brilliant paper, "Bradford's Portrayal of a Religious Rival,"[1] in which Banks, with insight and satire, seeks to uncover motives which, in his opinion, lay behind the Pilgrim governor's severe treatment of a clergyman at Plymouth, basing the case on Bradford's own writings.

Before the Colonel went abroad, he laid plans for a comprehensive history of York, Maine, which was in reality to be the story of the founding of Maine and its absorption by Massachusetts. It was to be "a sort of swan song" of his activities. Volume I appeared in 1931, and the galley proof of Volume II lay on his desk at 1682 Commonwealth Avenue, Boston, when he died. Volume III was to be genealogical.

Two subjects claimed much of his attention: the English homes of passengers on early ships bound for New England, and the economic forces which impelled the migration. *The English Ancestry and Homes of the Pilgrim Fathers* (New York, 1929) is a work of vast erudition, founded on his researches abroad. *The Winthrop Fleet of 1630* (Boston, 1930) is a wider study in a parallel field. The chapter headings—"Setting the Stage," "The Background," "Preparing for the Hegira," "Expense of Travel and Supplies," and "The Voyage Overseas"—show that he was no mere compiler of data.

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[1] *Proceedings*, LXII. 34–53.

The Planters of the Commonwealth, A Study of the Emigrants and Emigration in Colonial Times came out in 1930 under the aegis of the Founders' Memorial Committee for the Boston Tercentenary. It was prepared under pressure at the urgent solicitation of the committee and shows some signs of haste, although called a "unique and valuable contribution." A reviewer states that it is a valuable book of reference "if used cautiously." In the arrangement of lists of passengers, Banks does not follow Hotten's list and seems to obscure certain facts by his method. The writer of this memoir recalls an eleventh-hour endeavor to convince the Colonel that "Gardiner" on the galley proof might not refer to the same family as "Gardner." His wider vision sometimes subordinated accuracy of detail.

Banks was an indefatigable worker, never hesitating to copy subsidy lists and parish registers if he thought they might serve him in later research. He left at his death a score or more of subsidy lists, besides bishops' transcripts, marriage lists, calendars of wills, directories of house holders, and vital records.

At the time of his death Colonel Banks was interested in promoting the publications of the Anglo-American Record Foundation, of which he was an officer, and whose first volume, *Able Men of Suffolk, 1638*, he had written. The active officers of the Foundation were among the most distinguished citizens of the United States. After attending a meeting of the organization in New York in October, 1931, he went to Hartford with Judge Samuel Seabury to talk with Mr. William B. Goodwin about a volume of material bearing on the site of Norumbega. It was while he was there that he suddenly died on October 21 after a heart attack. Colonel Banks was buried on October 24th from Grace Episcopal Church, Vineyard Haven, to which he had given a replica of the font at Tisbury, in England, and was interred at Oak Grove Cemetery.

Charles Milton Davenport

By Frank Washburn Grinnell

CHARLES MILTON DAVENPORT was elected a Resident Member of this Society on April 14, 1938. He died July 22, 1943. Born in Leyden, Massachusetts, on September 7, 1877, he prepared for college at the Greenfield High School, graduated from Williams College in 1901, from Harvard Law School in 1904, and was in practice for the rest of his life. He married Miss Ellen Emerson, a daughter of Edward Waldo Emerson, a granddaughter of Ralph Waldo Emerson, and a great-granddaughter of the Reverend William Emerson, all three of whom were Members of this Society. She died about a year after their marriage, and he never married again. He was one of the wisest and most public-spirited men of his generation, not only in the metropolitan district, but in the whole Commonwealth. He was one of the rare, quiet, effective men to whom others turned for judgment, and for the performance of almost any difficult public work; and, while he knew more people and had more real friends all over Massachusetts from Berkshire to the coast than almost anyone else, probably few of them knew of all his varied activities and interests. To him, as to another former Member of this Society—the late George Read Nutter—Whittier's couplet was peculiarly applicable:

> Loathing pretense he did with cheerful will
> What others talked of, while their hands were still.

Trustee of the Massachusetts Training School from 1908 and Director of the School from 1919, a member of the Massachusetts Probation Commission from 1914 to 1927, in 1926 he was appointed a member of the Metropolitan District Water Supply Commission, and for ten years rendered devoted and painstaking service in the difficult and complicated work of that great undertaking. In 1939 he was made Chairman of the Suffolk County Court House Commission, another difficult assignment following removal of the sheriff, and he served until his death.

Paralleling these activities he had served as president of the Williams Alumni, as a trustee of Williams College from 1925, and as a member of the corporation of Simmons College from 1926 until his death. He was a collector of rare original paintings and antique furniture, and he ran a milk-farm of blooded Guernsey cattle. Much of his collection of paintings and furniture was left to Williams College. He was saturated with Massachusetts local history, past and current. His paper on Shays's Rebellion, which he read before this Society during the past year, contained much information accumulated as a result of his knowledge of central and western Massachusetts. He had served as president of the St. Botolph Club and the Beacon Hill Association in Boston, and on the governing boards of bar associations. But aside from all this, as his friend and co-trustee at Williams—Bentley W. Warren—has said of him:

> The outstanding quality of Charles M. Davenport was his capacity for friendship. He knew intimately and affectionately an extraordinary number of men, and was ever ready to put himself out to do a favor for any one of them or to promote their legitimate ambitions. While setting up for himself the highest standard of any work which he undertook and applying the same standard to the work of those with whom he was associated in his various activities, he never failed in his friendship because of their failure to measure up to his standard. His work was always fully performed and no detail was too small or too disagreeable for him to slur it over. His life and character typified the best tradition of New England citizenship. So long as the Commonwealth continues to produce such men, its future as an example of sound government is assured.

In other words, it is no exaggeration to say that the strong, kind, generous, thoughtful, balanced and effective character of Charles Davenport was a living illustration of the reason for the growth of New England and of its influence in American history. This Society was founded in 1791 primarily to collect, preserve, and make available, the materials for the study of a community developed and governed, in the long run, by the influence of character which he typified to a marked degree—a community which, in three hundred years, first, built the New England stone walls, and then built a modern state around them. He represented a civilized democracy.

Ephraim Emerton

By Henry Wilder Foote

Ephraim Emerton was born at Salem, Massachusetts, on February 18, 1851, the son of James and Martha (West) Emerton, and died at his home in Cambridge, on March 3, 1935. He graduated from Harvard with the degree of Bachelor of Arts in 1871. After two years of newspaper work he went to Europe for a prolonged period of study, which led to the degree of Doctor of Philosophy, conferred on him by Leipzig University in 1877. In 1876 he was appointed an instructor at Harvard in history and German, and in 1882 he became Winn Professor of Ecclesiastical History in the Harvard Divinity School, an appointment which he held for thirty-six years, until his retirement in 1918, when he became professor emeritus.

He was a distinguished scholar in his field, and a stimulating teacher, one of the notable group of men selected by President Charles W. Eliot, who placed the Harvard Divinity School in the front rank among the theological schools of this country. His pupils, both in the College and in the Divinity School, found in him a sound and thoroughly trained scholar and a lucid and inspiring instructor. His clear and logical mind led them through the tangled skein of medieval history, and his course on the history of Christian thought was an invaluable foundation for an understanding of theological problems, past and present. Under his instruction the dim and shadowy past came to life again, and its great figures became men struggling with the problems of their own time. His pupils also found him a cultivated and courteous gentleman, who was a sympathetic and generous friend, whose delightful home was always open to them. For many years he played no small part in the life of the Divinity School, to which he contributed as much by the high qualities of his strong yet gentle spirit as by the completeness of his scholarship.

He was the author of many important contributions to church history, including an *Introduction to the Study of the Middle Ages; Medieval Europe; Desiderius Erasmus; The Beginnings of Modern Europe; The Defensor Pacis of Marsiglio of Padua; Humanism and Tyranny; Corre-*

spondence of Gregory VII; Correspondence of St. Boniface; and many shorter papers. He also published a volume of academic essays entitled *Living and Learning,* and a volume on *Unitarian Thought,* in which he set forth the views of the religious fellowship to which he belonged. In his later years he gave an admirable illustration of the way in which a scholar, after retirement from active service, can continue productive work, for the last four volumes which he published were issued after he was seventy years old, the last one as recently as 1934, when he was eighty-three.

He was elected a Resident Member of the Massachusetts Historical Society on April 9, 1903, and often attended its meetings, contributing to the discussions and reading a number of papers before it. His last contribution was the memoir of Dr. Charles W. Eliot. He was also a Fellow of the American Academy of Arts and Sciences, and a member of the American Historical Association, of the Institut Genevois, of the American Society for Church History, and of the Cambridge Historical Society. These last two societies he had served as president.

His wife, whom he married in 1877, was Sybil Clark, of Cambridge. She died just two months before he did. Their only child, Miss Clara Emerton, died in 1932.

John Woodford Farlow

By Gardner Weld Allen

JOHN SMITH FARLOW was born in Dublin, Ireland, in January, 1817, and died in Newton in 1890. In early childhood he removed to Montreal with his parents. He came to Boston in 1827 and became a citizen of the United States in 1840. About the middle of the nineteenth century he was "a prosperous Boston merchant in the East India business and a part of his fortune was made in railroads in the pioneer days." In 1841 he married Nancy Wight Blanchard, who was born in Boston in 1816 and died in Newton in 1895. Their son, John Woodford Farlow, was born on High Street in Boston, August 28, 1853. An older brother was William Gilson Farlow of the Harvard Class of 1866, who became the distinguished professor of cryptogamic botany at Harvard. In 1855 the family moved to Harrison Avenue, and two or three years later to Nonantum Hill, Newton. John Farlow attended the public schools in that city, from the primary grades through the Newton High School, where he fitted for college. He entered Harvard in 1870 with the Class of 1874.

In college Farlow was awarded a detur in his freshman year, was president of the Glee Club, joined other societies, and was orator at the sophomore class supper, a joyful festival in those days. He was always very fond of music.

The Harvard Medical School followed college, with the degree of M.D. in 1877. Then came hospital service and study in Europe at Vienna, Strassburg, and Paris. In later years he made many trips to Europe. Dr. Farlow entered upon the practice of medicine in Boston in 1880. His specialty was laryngology. He had a mechanical turn and invented instruments for work in the throat. He belonged to numerous medical societies and in 1902 was president of the American Laryngological Society. He contributed many articles, chiefly on laryngology, to medical journals. He retired from active practice in 1916. At Newton, on September 21, 1877, he married Annie Hardon Burr. Two children were born to them: Margaret (Mrs. William Richards Castle) and John Smith Farlow of the Harvard Class of 1902. Dr. Farlow had three grandchildren and four great-grandchildren.

One of Dr. Farlow's chief interests was the Boston Medical Library, and his retirement at a somewhat early date gave him more time to devote to it. This institution, now one of the largest and most important medical libraries in the country, was founded in 1875, mainly through the efforts of Dr. James Read Chadwick, who became the first librarian. The library began in a small way on Hamilton Place, yet even in its youth its name spread afar. Dr. Farlow says of it in his *The History of the Boston Medical Library:* "An appreciative visitor at this time was Dr. William Osler, who came down from Montreal to look up various subjects, which he said he could do much better at the Boston Library than in Montreal. He has often spoken to me of the assistance which he received in Boston in those early days."

In 1878 the library was moved to Number 19 Boylston Place, the previous residence of Mrs. Julia Ward Howe. The next house, Number 18, the former home of John Lothrop Motley, was occupied by the Boston Library Society, now on Newbury Street. The march of improvement has swept these interesting old houses away. At the dedication of the new quarters Dr. Oliver Wendell Holmes made a notable address. In 1879 a telephone was installed. "The telephone was just coming into use and the Library had one of the early instruments, number 113." In 1901 the Boston Medical Library moved once more, this time into its present building, our next-door neighbor on the Fenway.

Dr. Farlow's interest in the library began in the early years of his practice, and in 1894 he was elected a member of the executive committee. In 1905 he was chosen librarian in place of Dr. Chadwick, who had recently died. A busy practice made help necessary, and this was ably furnished by Dr. Edwin H. Brigham and Mr. James F. Ballard, assistant librarians. The same year he gave an address in New York on "The Medical Library and its Contents," and later he talked on a kindred subject at Hartford, Connecticut. In 1918 Dr. Farlow published *The History of the Boston Medical Library*. This is a very interesting book, well worth the attention of the nonmedical reader, with its descriptions and illustrations of parts of the older Boston. In 1926, at the celebration of its first half century, Dr. Farlow delivered an address: "Fifty Years of the Library." In 1928 he resigned the office of librarian. Meanwhile he had served as president of the Medical

Library Association of America. From 1922 to 1924 he was president of the Medical History Club, founded in 1921 and one of the many useful literary associations of Boston.

In 1919 Dr. Farlow was elected a member of the Massachusetts Historical Society. He was an active member, taking great interest in the meetings and seldom being absent. His name is in the index of every volume of the *Proceedings* during the period of his membership. He presented to the Society many photographs, manuscripts, and other gifts. He served on several committees, read papers, and contributed a memoir of Dr. Harold Clarence Ernst. His papers were as follows: in 1925, "Sir Kenelm Digby and his Cure of Wounds by the Powder of Sympathy"; in 1926, "Yellow Fever in Boston, 1798," a short communication; in 1927, "The Antimonial Cup of the Seventeenth Century."

Dr. Farlow died September 23, 1937, at Manchester, Massachusetts. An obituary notice in the *New England Journal of Medicine,* November 11, 1937, written by Dr. Henry Rouse Viets, contains this paragraph: "Many members of the Society will remember his dignified manner, his graciousness and the pleasant twinkle in his eye when a bit of dry humor escaped his lips. There was some of the stern Puritan in his make-up, softened by an active interest in literature and art. Widely traveled, he was a man of the world, who, seeing the value of books for doctors, did much to enlarge the collections of the Boston Medical Library."

Dr. Farlow's brother-in-law, Allston Burr, has said of him: "I think that those of Dr. Farlow's family who knew him intimately felt that behind his New England reserve he was very kind indeed—always ready with his help and sympathy for those in trouble or sickness. He seemed to us to have excellent, reliable judgment. He was extraordinarily observing—nothing escaped him—and alert-minded, and he often showed these traits in keenly witty remarks. He loved music, and was scholarly musical."

Hubert Hall

By Roger Bigelow Merriman

Hubert Hall, a Corresponding Member of this Society since 1905, died in a hospital in Chatham, England, on July 27, 1944, his eighty-seventh birthday. His death was due to shock caused by the explosion of a German flying bomb which landed near his house at Walderslade, in Kent.

His splendid achievements as an historian, as an official of the Public Record Office, and as a member of the Royal Historical Society, have been fully recounted elsewhere. Here it seems fitting to say a few words about his services to that group of young American historical students who began, over fifty years ago, to delve in British archives. As one of the earlier members of that group I am glad to testify that he was the best and kindest friend they ever had. There was no one in England to whom, collectively, they owe so much. His patience and courtesy were inexhaustible. No problem that was brought him was too petty to merit his undivided attention. And he taught us many other things besides history and diplomatics. I well remember how, when I discovered in 1898 that certain manuscripts which I wished to consult were at Hatfield House, I went to him to ask whether it would be possible for me to have access to them. "Write directly for permission to the Marquess of Salisbury," he replied; and then, after a brief pause, he added, with the kindliest of smiles, "not forgetting the K.G."

Of all these things he was sublimely unconscious, for he was the most modest man I've ever known. But in December, 1924, when he visited Harvard, he was afforded dramatic evidence of the esteem and affection in which he was held by American historical scholars. He was persuaded, with some difficulty, to give a talk on "The Evolution of British Treaty Papers," and I fancy he thought he would be called upon to address some half dozen graduate students, seated around a table. Instead he found himself confronted with over a hundred enthusiastic admirers in the big upstairs lecture room in Emerson Hall. Practically all the members of the Harvard History Department were there, a large majority of the graduate students in history, and a considerable number of distinguished people from outside the University. As I walked into the room with him I saw him gasp. He went up onto the platform, fiddled nervously, for a few minutes, with his notes, and was just about to start when President Lowell strolled in and took a seat in the front row. That was the last straw. Hall got up, apologized profusely for his failure to realize what had been expected of him, and then began his lecture. It wasn't a very good lecture, but in the circumstances who can blame him? It lasted, if I remember rightly, only about forty minutes; much of it was inaudible, for he constantly drew scripts and signatures on the blackboard, and turned his back upon his audience; but the yell of applause—for it was nothing less—which greeted him when he had finished, bore testimony to the deep gratitude and admiration of all those who were present and of many others besides. He was one of the strongest links in the ever-strengthening bonds of Anglo-American friendship and understanding.

Robert Means Lawrence

By William Lawrence

Robert means lawrence's earliest ancestor in this country was John Lawrence, carpenter, who came to the Massachusetts Bay Colony in the early years of the Puritan migration. Living in Watertown until 1662, he moved to Groton of which he was one of the original proprietors, and later a selectman.

From his second child, Nathaniel, born in Watertown, October 15, 1637, Robert Means Lawrence was descended. Nathaniel was a large landowner of Groton; he was also an ensign of the military company, held various town offices including that of selectman, was a representative in the General Court, also a deacon in the church.

Deacon Nathaniel Lawrence's second son, John, weaver, blacksmith, and farmer, carried on the line. He was born in Groton, July 29, 1667, and died in Lexington, where he was a leading citizen.

John's tenth and youngest child was Amos Lawrence, born in Lexington, February 13, 1716, and died at Groton, June 20, 1785. He was a farmer, cordwainer, constable, collector, and selectman. As sergeant, lieutenant, and captain in the militia, he was a zealous patriot in the years preceding the Revolution. The third son of Captain Amos Lawrence was Samuel Lawrence, who was born in Groton, April 24, 1754. A corporal in Captain Henry Farwell's company of minutemen when the news of the Battle of Lexington reached Groton, he notified the men of his company, and with them marched to Cambridge. In the Battle of Bunker Hill he received through his beaver hat a musket ball which cut his hair from front to rear, and was struck on his arm by a spent grape shot. Later, after marrying Susanna Parker, he served in the army and was honorably discharged as major, September 12, 1778. He returned to his home in Groton where for almost half a century he was a leading citizen: selectman, assessor, town clerk, and deacon in the church. He died in Groton, November 8, 1827.

Of the five sons of Samuel Lawrence, Amos, the fourth, born in Groton, April 22, 1786, on coming of age established himself in Boston as a merchant, and with his brother Abbott founded the mercantile house of A. and A. Lawrence which was for years one of the leading firms in Boston. Later in life, Amos became known as a philanthropist, contributing to educational, charitable, and religious institutions; while his brother Abbott entered Congress, and was Minister to the Court of St. James's.

William Richards Lawrence, eldest son of Amos and Sarah (Richards) Lawrence, the father of Robert Means Lawrence, was born in Boston, May 3, 1812. Graduating from the Harvard Medical School in 1844, he was prevented by ill health from entering active practice. With his wife, Susan Dana, of Marblehead, and his sons, he spent much of his time in Europe and warmer climates. He published a book upon *The Charities of France*, was a founder of the Boston Dispensary, and later wrote a history of its early years. Dr. and Mrs. Lawrence were deeply interested in the founding of Emmanuel Episcopal Church, Boston, St. John's Church, Jamaica Plain, and other parishes. He with his younger brother, Amos Adams Lawrence, built the Church of Our Saviour in Longwood, Brookline, in memory of their father. In 1855 he published *The Diary and Correspondence of Amos Lawrence*, which had a large circulation throughout the country. His home for many years was in the most western block of Beacon Street residences opposite the City dump, which was later the westerly edge of the Public Garden and Arlington Street. The last years of his life were spent in Cottage Farm, Brookline, in a house built by him next to the estate of his brother, Amos Adams Lawrence. He died at his summer home in Swampscott, September 20, 1885.

Of the three sons of William Richards and Susan (Dana) Lawrence, Francis was for many years a selectman of Brookline, and Arthur was rector of St. Paul's Parish, Stockbridge, for almost forty years.

Robert Means Lawrence, the youngest son, the subject of this Memoir, was born in Boston, May 14, 1847. He attended for six years the private school of Epes Sargent Dixwell. A token of his physical activity may be seen upon the stone standing on the parade ground of Boston Common in recognition of the victories of the "Oneida Football Club."

After accompanying his parents in France, he entered Harvard College as a sophomore in 1866, and left college in his senior year. Later upon the twenty-fifth anniversary of his class, he received a degree of Bachelor of Arts as of 1869. Graduating from the Harvard Medical School, he received a degree of Doctor of Medicine in 1873. Like his father, he studied hospitals in Europe, especially those of Vienna and Paris. Returning to Boston, he became one of the physicians of the Boston Dispensary and a member of its Board of Managers. He was also assistant surgeon of the First Regiment of Massachusetts Volunteers from 1877 to 1882. On June 30, 1870, he married Katherine Lawrence Cleaveland, and in 1882 made his home in Lexington, Massachusetts. He served the town as selectman, chairman of the Board of Health, trustee of the Public Library and member of the School Committee. He was senior warden and treasurer of the Church of Our Redeemer. After two years in Europe with his wife and two daughters, Madeline and Isabel, he lived for three years in Washington. From 1897 to 1907 he lived at 321 Dartmouth Street, Boston, and then at 177 Bay State Road, where he died March 7, 1935, in his eighty-eighth year.

Throughout the last half of his life Dr. Lawrence cultivated an increasing interest in genealogy, especially the history of his ancestors. He published: *Historical Sketches of Some Members of the Lawrence Family* (Boston, 1888), *The Magic of the Horseshoe* (Boston, 1898), *The Descendants of Major Samuel Lawrence, of Groton, Massachusetts, with Some Mention of Allied Families* (Cambridge, 1904), *Primitive Psychotherapy and Quackery* (Boston, 1910), *The Reverend Amos Adams, A.M., Patriot Minister of Roxbury, Massachusetts (1728–1775)* (Boston, 1912), *The Site of St. Paul's Cathedral, Boston, and its Neighborhood* (Boston, 1916), *Old Park Street and its Vicinity* (Boston, 1922), and *New England Colonial Life* (Boston, 1927).

Dr. Lawrence was a man of warm friendships; his relations with the members of his class of 1869 endured to the end. There was a human interest in his historical works which is not always found in the results of genealogical research. His keen sense of humor lightens up the pages. His *Descendants of Major Samuel Lawrence . . . with Some Mention of Allied Families* is rich in reference to characteristics of members of such families. Through them are revealed glimpses of Old New England and social habits of other days. One of the chief interests of his later years was the Cathedral Church of St. Paul on Tremont Street. He was baptized there when it was a Parish Church, and when in 1912 (over sixty years later) it became the Cathedral Church of the Diocese, he was made a member of the Chapter, and a warden of the congregation.

At his death he left two daughters, Madeline Lawrence, of Boston, and Mrs. George Bruno de Gersdorff (Isabel Cleaveland Lawrence) of Bedford, Westchester County, New York.

Harold Murdock

By DAVID T. POTTINGER

MY recollections of Harold Murdock date from the last fourteen years of his life, a period when he was for the most part a sick man constantly under a physician's care. I did not know the years when his genius for finance carried him to a position of influence in State Street, when he built up his notable collection of books, when he cemented ties of friendship that seemed to grow only stronger with the passage of time. Certainly I knew but that part of him, and yet those who did not know those last years of wintry sunshine knew even less; for one could then occasionally take him off his guard and become aware of sides of his nature that he did not readily show to the world at large.

His other friends will recognize why I find a summary of these years in a story he tersely related after returning from his last trip to England in 1924 or 1925. A short distance out of Liverpool the ship was rammed in the fog by a small vessel. In the midst of the confusion, Murdock found himself near an officer. "I saluted him," he said, "and did this"—raising his eyebrows and pointing downwards. "The officer tightened his lips and nodded, and then murmured 'perhaps.' It was a fine example of British discipline!" In telling the incident Murdock's own lips tightened and his own eyes once more looked with disciplined fortitude into the face of death.

An immense, Spartan courage characterized those years. Two or three serious operations, long stretches of illness in bed, months of feebleness, add up to a surprising total. He was impatient, however, of anything approaching sentimental solicitude, and gruffly turned away even the normally polite inquiries about his health. He was one of the few people I ever knew who did not want to go into details of operations and symptoms. Even if the ship were sinking, he could find something to do besides contemplating that fact.

He did accomplish much in a literary way. He wrote authoritative books on the fights at Concord and Lexington and at Bunker Hill, and illustrated them with unique material from his collections. He edited the Revolutionary narratives of Barker, Lister, Anne Hulton, Sutherland, and Pope. He encouraged the finally successful hunt for the diary of Frederick Mackenzie. He arranged exhibitions at the Club of Odd Volumes and at the Harvard College Library.

In a business way he accomplished even more, or rather, things that affected larger numbers of people and that will not lose their force for years to come. His appointment to the Directorship of the Harvard University Press coincided with one of those financial house-cleanings that the University indulges in every fifty or seventy-five years. He was made one of three on an important committee to consider better methods of financial management. Among other changes they introduced a budget system and put an end to a mass of trivial carelessnesses that had grown up imperceptibly. For this little-known service, the University owes him deep gratitude.

At the Harvard University Press, his first step toward sounder organization was to introduce into the printing office the Standard Cost Finding System of the Typothetae. This led immediately to a new accounting system for both the printing and the publishing departments, a system so perfect in detail that it has not needed to be changed in the succeeding fifteen years. The accounts of the Press were separated from those of the University, with gratifying results in clearness and efficiency. The permission he secured for the Press to borrow certain sums from the general University funds was utilized only once or twice, and then the loan was promptly repaid; in fact, the Treasurer often held considerable Press balances that were deposited with him rather than allowed to run up at the bank.

Murdock brought with him as printing adviser to the University his old friend, Bruce Rogers, who had just returned from several years at the Cambridge University Press in England. Although the work of the Printing Department had already been widely recognized as of superior quality, nevertheless Mr. Rogers was able to carry it to the point where it ranked among the best in the country. He designed numerous limited editions that are eagerly sought by collectors, he improved the appearance of ordinary trade editions, and he added to the equipment a large amount of interesting and unusual typographical material. By this encouragement of Rogers's work, Murdock expressed his love of beautiful books and his interest in printing as one of the fine arts.

Because of his precarious health, there were long periods when he was not at the office at all; and even in the best of times he generally came only from ten to twelve. Such a schedule would have been impossible but for his complete trust in his subordinates that awakened in them an eagerness to be ready for inspection at any moment. He treated them with patience, when necessary; with grim humor or with sharp rebuke, if he thought that more salutary; but always there was, when he had made up his mind, a complete loyalty that would not listen to ill-natured complaints or malicious gossip.

In general, his business methods would seem almost casual. Details seldom interested him and he never pretended to understand the intricacies of printing or publishing practice. Nevertheless, he learned a vast deal about both. His desk was never piled high with material awaiting attention; in fact, he never used a desk at all, but sat in an armchair at an antique mahogany table. There, with his tortoise shell eye-glasses perched precariously on the end of his nose, so that he could look up at an interruption, he would cover a tiny sheet of paper with microscopic figures, or with equally neat handwriting he would interline corrections in a typewritten letter. He was never impatient of interruption, but was able to turn from one topic to a totally different one with perfect ease. Like most people who suffer from a slight deafness, he disliked using the telephone and became impatiently confused by a long call. Visitors, however, were always welcome. They might come to talk business; but somehow wider interests always crept in.

In his fourteen years of service he grew to be a real member of the college community. He gradually dropped the phrase, "When I came out here," which to me always sounded like the words of a visitor to foreign parts. At first, he was a stranger even though he had scores of acquaintances on the faculty. To most, however, he was the austere banker whom they feared; and he, in turn, modestly discounting his own real scholarship in certain fields, stood in awe of their academic learning. This attitude soon changed to mutual respect and finally into thorough affection on the part of those he saw most frequently. The crowning moment, and, I suspect, one of the happiest of his life, came when he was made an Associate of Leverett House. His honorary degree, his membership in Phi Beta Kappa, his position as Director of the Press, were not nearly so effective in making him feel himself a Harvard man. Yet on the other hand, Harvard has had few sons more devoted to her welfare.

One basis for that devotion was surely Murdock's intimate conservatism, a quality that expressed itself in many more ways than simply in his love of reminiscence and in his dislike of such innovations as the prohibition amendment and suffrage for women. Like Charles Lamb, he cherished "old books, old wine, old friends." The old wine, in spite of his abstemiousness, really did exist. The old books he discussed with his cronies at the Club of Odd Volumes or in Goodspeed's shop; the old friends he found at the Union Club or in the Harvard Yard. The old books and the old friends, it is true, might almost be said to be in the same category; for he had the power to visualize the London and the Boston of the eighteenth century and make their characters as much alive to his mind as the people he actually met in the streets. Such power is rare even among professional scholars. It is a dangerous power, too, since it may lead to sentimentality unless one is saved by a sense of humor. Murdock had a sense of humor—the New England brand that is rooted in realities—and it was one of the most individual things about him.

His conservatism he freely acknowledged. His humor cannot be easily forgotten. Yet both his conservatism and his humor were but the outward and visible signs of an inward and spiritual discipline. But that is one thing he never talked about!

George Read Nutter

By Frank Washburn Grinnell

The first constructive leader of the bar appeared in Massachusetts about 1722, from Connecticut, in the person of John Read. It was a time when there were few trained lawyers. Most of the judges were laymen. Read trained both the bench and his colleagues at the bar in the value of legal study, formal procedure and restraint of their habitually verbose tendencies. Writs and other papers drawn by him were used as forms for generations.

Two hundred years later, his descendant, George Read Nutter, rendered a similar, but much more varied and extensive service to his profession and the public in the broader field of modern life.

George Nutter was born in Boston on August 9, 1863, in the house in which he spent his life at 8 West Cedar Street. He was the son of a Boston lawyer. His mother was a descendant of John Read. Considering his character, it is an interesting coincidence that several of his father's ancestors bore the name of Hate-Evil Nutter. Fortunately for him, in these days he did not inherit the given name, but only the idea which it signified. He attended the Boston Latin School, where he was a leader of his class and the head of the school regiment, and then entered Harvard, where he was one of the first scholars in the Class of 1885. He earned his degree in three years and spent his senior year, on leave of absence, studying in the University at Munich. He was chosen class poet in his absence, wrote the class poem, on the west coast of England, and returned in time to take his degree with his class. He spent a year as secretary to President Eliot and as a teacher in the English Department and then entered the Law School in the autumn of 1886. He was one of the original editors of the *Harvard Law Review,* Editor-in-Chief of the second volume, and originated the plan of the trust fund of the *Review,* with his characteristic vision of the future. He served as a trustee of this fund until his death.

He continued teaching in the English department while in the school. A man of sensitive literary tastes, he had a yearning for a teaching career in that field, but, fortunately for the profession, he took to the law to earn his living. He entered the bar in 1889 and entered the office of Warren and Brandeis, becoming a partner within a few years and eventually the head of the firm, after the appointment of Mr. Justice Brandeis to the bench and the death of Dunbar. He remained a bachelor and from his appearance at the bar until his death in 1937, in addition to an exceptionally active general practice in the trial of cases, as well as an adviser, his life was an uninterrupted story of disinterested and influential public service of unusual variety without the slightest desire for public office.

Chairman of the Executive Committee of the Public School Association at the turn of the century when its most effective work began, he then became, in 1904, a member of the newly formed Good Government Association, a group of political amateurs to whom the community owes more than it will ever realize, and he continued its leading member during the thirty years of its influential, but much ridiculed, existence—ridiculed by those who could not get its support because it kept the flag of public honesty and efficiency in the public service nailed to the mast, consistently maintained the position that public office is a public trust and investigated and reported publicly on candidates for municipal office from that point of view.

By nominating, or more accurately, drafting, Frederick W. Mansfield, as a candidate for Mayor of Boston, at the last minute, in 1929, Nutter and his associates of the Good Government Association began a new chapter in the history of the city.

At the time of his last illness, Nutter was engaged in writing the history of the Good Government Association, as a result of the urging of Professor William B. Munro, the authority on the history of municipal government. The political history of Boston for thirty years from 1904 never can be written as fully as he could have written it. After the G.G.A. had again nominated Mansfield and helped to elect him in 1933, the organization closed its career with the statement that such an organization "can function effectively only during the time of the generation which brought it forth. It can not project itself into another generation—other times, other manners. We can not expect the youth of another generation to take kindly to the methods which have been developed in the preceding one. . . . The future of Boston will be a struggle as it has been in the past" and "Some such organization always will be necessary in the conduct of municipal affairs." The Public School Association terminated its existence about the same time for exactly the same reason. The Boston electorate has felt the lack of such organizations and of the work that they did. His experience prompted the provision in his interesting will of $10,000 to Harvard College to be named "the Good Government Association fund in memory of Laurence Minot, the first chairman, and Edmund Billings, the first secretary," which he explained in the will as follows:

> I have come to the conclusion, that if democratic institutions are to survive, we must develop sane and sound standards of public service and estimate public servants thereby.
>
> I therefore bequeath $10,000. to the president and fellows of Harvard College, the income to be expended in the study of government and developing among people the appreciation of such standards of public service and I suggest the following as possible usage:
>
> The education of students who may make a specialty of government and particularly municipal government, and particularly if they purpose to fit themselves for work in good government associations or citizens' unions or similar organizations; the giving of instruction in government in the university; the investigation of mob psychology so-called and propaganda; and, in general, using the income in whatever way may seem best to help the people in governing themselves and in developing good citizenship.

Meanwhile, after serving on various committees, he eventually became chairman, or president, of many of the organizations which he served—the Boston Chamber of Commerce, the Boston Bar Association, the Massachusetts Bar Association, the Social Law Library, a vice-president of the American Bar Association for the first circuit. From 1915 until his death, he served on the Publication Committee of the *Massachusetts Law Quarterly* and took the trouble to read and pass on everything that went into the first twenty-one volumes.

In 1919–1920, he served, by appointment of Governor Coolidge, as one of the three members of the Judicature Commission, with Judge Sheldon and Addison L. Green, and their report began a new chapter in Massachusetts legal history. The work of that commission lasted fourteen months and coincided with his work as President of the Chamber of Commerce. He was President of the Boston Bar Association from 1923–1927 and planned and carried through the proposal, first made in 1886 by Henry M. Rogers and others, for securing rooms for the association and by this and other experiments opened a new chapter in the life of that organization. He planned the

Building Fund and by his will left $10,000 to that fund, thus carrying out the agreement with Judge Loring and Edward W. Hutchins by which they all left that sum to the fund as an example for others. If the leaders of the bar in the "gay nineties" had had the vision of George Nutter and Henry Rogers, the history of the bar since that time might have been quite different.

From 1927 to 1928 he served as President of the Massachusetts Bar Association, when the by-laws limited the term to one year. Later he became chairman of its Committee on Legal Education and after corresponding with most of the States he prepared a report and also read a paper on qualifications for the bar at the American Bar meeting which stimulated the movement for better standards. In 1932 when he was chairman of a similar committee for the Boston Bar Association the bill to hamstring the bar examiners was at the engrossment stage in the Massachusetts Senate when Nutter furnished Senator Davis with the material which enabled him to secure from the Senate a request for an advisory opinion of the justices on the constitutional question of authority and that opinion settled the question which had been left in the air for thirty years and established the judicial control of admission to the bar—an opinion now relied on throughout the country. He was appointed by the Governor to the Special Commission on the Boston Charter and, after conducting correspondence with all the places in this country and abroad where proportionate representation was a fact, he filed a minority report containing the results of this study. Ten years later the subject appeared actively on the political map in Massachusetts and is likely to continue there in view of the recent New York experiment. A permissive act was adopted in Massachusetts in 1937. He was one of the original members of the American Law Institute, and with Nathan Matthews and others assisted in preventing certain impending mistakes in the organization and declared purposes of that body at the outset.

For some years before his death he was President of the Social Law Library, to which he left a substantial legacy in his will. For many years he was a director of the John Hancock Life Insurance Company. He was an actively interested member of the Massachusetts Historical Society to which he also left a legacy, and assisted that organization as a member of its Council for several years. He gathered information about the liquor laws of Sweden, Norway, and the Canadian provinces, which he submitted to Bentley Warren's commission at the time of the repeal of the eighteenth amendment.

In May, 1936, an evening paper carried the news that Governor Curley had written to all Massachusetts judges and planned an attempt to remove those over seventy including the Chief Justice and two associate justices of the Supreme Judicial Court. Nutter prepared the brief statement that night while a reporter waited in his house, and it appeared on the first page of the *Herald* next morning as the first gun fired in that fight. His statement was:

> If my understanding is correct that the Governor is preparing to summon before him various judges over 70 years of age in order to determine their mental fitness, this is the climax to what I believe will live in history as the most vicious and debased administration of the affairs of the commonwealth.
>
> Disregard of the proprieties of the office, the lowering of the standards of public service, extravagance in spending the public money are bad enough, but to attack the judiciary touches the most vital part of the body politic, in which we have thus far had justifiable pride.
>
> It is certainly humiliating for the commonwealth to fall into the class with Louisiana.

He constantly wrote or suggested newspaper editorials, often using the weapon of ridicule in a way that made certain politicians squirm. He suggested the organization of the business men's Committee on Judicial Procedure of the Chamber of Commerce, which brought about the first so-called "radical" experiments by the Superior Court as to jury pooling, pre-trial sessions and the assignment system.

And, besides all these activities he served on, no one knows how many committees of one kind or another he was a member of, from time to time. He was constantly asked to do such work and, although he would swear about it as he walked across the Common with me in the morning, his sense of public obligation (call it New England conscience, if you will) made it so difficult for him to refuse, if he believed in the purpose, that he was likely to end by doing it. He was a constant source of ideas for the public work of others.

It is a commonplace that the busiest of men are the men who find time to get things done because they know how and have the will to use their time. He exemplified this commonplace. In the apt lines of

Whittier, which Dunbar Carpenter applied to him in the *Bar Bulletin* at the time of his death,

> Loathing pretence he did with cheerful will
> What others talked of, while their hands were still.

Such was his public life, made possible by a background of sustained scholarship and intellectual training in concentration resulting in orderly habits of using his time.

In his private life—a rather reserved man with the shyness of a sensitive spirit—he still had an exceptional capacity for varied enjoyment not only in his study, lined with books from floor to ceiling, or with his collection of etchings by Rembrandt, Dürer, Whistler, and others, but at the Symphony concerts, the opera, the theatre, in his regular Sunday tramps in New Hampshire or elsewhere, in travelling, and especially in salmon fishing. After a long attack of rheumatic fever some forty years ago he took very good care of himself for the rest of his life and kept himself in condition, not only for work, but for vacations which he planned far ahead. He had hunted and fished in the Canadian woods from the Atlantic to the mountains of the West, and, in later years, he fished in the Gaspé region every June with two or three of his friends. During the last ten years he extended his vacations after his June fishing, by trips to Europe where he would fish for a week or ten days and then take a car and tour the country—in Scotland, in Ireland, in Wales, in Norway and, during his last summer, in Finland—taking moving-pictures of everything. I travelled with him through Normandy and Brittany in 1933, and through Finland and down the Norwegian coast in 1936. On the steamer, returning from Norway, about a month before his last illness, he began to plan a trip to New Zealand in 1937, as a result of a conversation which we had with a retired English colonel whom he met at a fishing lodge in the North of Finland.

When at home he generally kept a copy of Horace by his bedside to turn to when he was not absorbing the other varied literature the constant reading of which made him, in Lord Bacon's phrase, "a full man."

He had been secretary and then president of the old Puritan Club and on the governing boards, at times, of the Union, the St. Botolph, and perhaps other clubs, and was an original member of the Boston

City Club. He enjoyed good company and conversation as a reserved thinker with sociable instincts can enjoy the genial atmosphere which can draw him out.

This is the picture of George Nutter as I knew him. He was a cultivated man in the best Victorian sense.

Jonathan Smith

By Charles Knowles Bolton

The Smiths of Peterborough, New Hampshire, were descended from that William Smith of Moneymore, in Ulster, who was commended by his school teacher two centuries ago. He came with his father, Robert, to Peterborough, and lived on the family farm, a man industrious, devout, and interested in public affairs.

His career is recorded in his great-grandson's book *The Home of the Smith Family* (Clinton, 1900). William's son Jonathan (1763–1842), deacon and farmer, was a persistent office holder, and died "like a shock of corn fully ripe." His son John (1803–1881) succeeded to the family farm and the office of deacon. John married September 2, 1834, Susan Stearns, of Jaffrey, and their fourth child, Jonathan Smith, later of this Society, was born October 21, 1842. The years of the boy's youth are touched upon in his mother's letters, printed in *A New Hampshire Farm and its Owner* (Clinton, 1909). In later life Mr. Smith gave this picture of his life on the farm:

> In the work on the farm, the boys were early taught to do their full share. To the youngest was assigned the task of picking up the stones on the fields sown down to grass the year before, a duty which lasted without vacations or holidays, until completed. It was the boys' introduction to the "gospel of work." Mr. Smith (Jonathan's father) took the boy to the field each morning, staked off a plot of ground, and to pick up and to put into neatly piled heaps the loose stones in that plot was the youngster's stunt for the day. It was large enough to keep the youth busy for a good portion of the day, but was never beyond his ability to perform, and he knew it would not do to fail, and he rarely did fail. The care of the barn and stock was given to the boys, but the father exercised a vigilant supervision, and any carelessness or neglect was promptly called to the attention of the guilty. When a son reached thirteen years, he was given a scythe, and in the second year he was expected to "keep up his swath." The use of the shovel and hoe was taught earlier, however.

The income and outgo rarely exceeded $400 a year, but good food, plain clothes, innocent frolics, and discussions, political and religious, made the clan a happy circle. In 1857, Jocky, as his fond mother called him, was earning a dollar a month and his aunt thought him lucky.

He went to Orford, New Hampshire, in 1860 to study, was addressed as "Mr. Smith" to the amusement of his parents, and admonished not to eat too heartily nor go through the ice. In short he was the product of a good New England home, and his mother wrote that she missed him as her gallant to and from the village.

At the close of school he entered the printing office of the New Hampshire *Sentinel* in Keene. The defeat of the Union army at the first battle of Bull Run in July, 1861, shocked the North and he began to think of enlisting. Jonathan's eyes and indeed his general health were cause for anxiety and his parents dreaded the strain of army life. Writing in October his mother said:

> Now, Jocky, if you cannot give up going to the war I think you had better write to your father, and then he will be constrained to give you his mind in black and white. Surely these are solemn times. [Three weeks later she wrote again:] It has been very hard for your father and me to give our consent. . . . I can only charge you to keep ever alive in your breast the religious instruction, moral courage and principle it has been our endeavor to instil into your mind from early childhood. . . . Do not forget the Testaments. . . . Last of all, you must have your miniature taken for me before you go.

In November he became a private in Company E, Sixth New Hampshire Volunteers. His experiences at the second Battle of Bull Run, in August, 1862, are referred to in the *Proceedings* for March, 1909. He describes vividly the retreat of five miles to Centreville in the darkness and rain, amid bushes and thick underbrush. The roads were crowded with such soldiers as could walk, with ambulances, army wagons, and sections of batteries. There were groans and bitter denunciations as well as laughter and telling of stories. Experiences of this nature told heavily on his frail body and in October he was in the hospital at Baltimore. On December 20 he was invalided home. As soon as his health permitted he took up again his trade of printing, this time with the *Peterborough Transcript*. He enlisted in a cavalry regiment in August, 1864, and served in Virginia until he was mustered out of service as a sergeant of Company E, First New Hampshire Cavalry, July 20, 1865.

Following the war, hardships forced families that could not rise socially to sink to a lower level. Jonathan's sisters struggled for an education and an opportunity to earn their way. He himself entered Dartmouth College and graduated in 1871. During his college course he was assailed by religious doubts which were to his mother not very different from "French infidelity." He taught during vacations and cultivated the habit of conversation. He acquired money as editor of the *Coos County Republican* and studied law, being admitted to the Bar in 1875. After active practice at Manchester, New Hampshire, he moved to Clinton, Massachusetts, in 1878, where he lived the active life of a useful citizen until he died in 1930. As town solicitor, member of the legislature, special justice, and from 1907 to 1924 justice of the second district court of Eastern Worcester County, president for twenty years of the Clinton Historical Society and for twelve years of the Clinton Home for Aged People, and deacon for nearly half a century of the First Church (Unitarian), he was true to the family tradition. He was also a Mason and wrote a history of Old Trinity Lodge of Lancaster.

Jonathan Smith first came to the notice of the late Charles Francis Adams through an address on September 14, 1903, before the Clinton Historical Society. It bore the title "Some Features of Shays's Rebellion," and attempted, as he said, to place the men of Shays's army in "a truer and better light." In a letter to Mr. Adams in May, 1905, he explains that it is based on original state, court, and town records, and he regrets that it does not give precise source references.

Mr. Smith became a member of this Society at the January meeting in 1907. Two years later he communicated to the *Proceedings* a paper on "The Massachusetts and New Hampshire Boundary Line Controversy 1693–1740" (November); in 1911 two papers "Two William Scotts of Peterborough, N. H." (March), and "Town Grants Under Belcher" (December); in 1914, "Toryism in Worcester County during the War for Independence" (October); and in 1922 another on "How Massachusetts Raised Her Troops in the Revolution" (June). These papers show that he was a thorough investigator, but one whose interests did not take a wide range.

Judge Smith married at Manchester, New Hampshire, December 13, 1876, Tirzah A. R. Dow, of Canterbury, New Hampshire, and had two children, Theodore, who died in infancy, and Susan Dow, a graduate of Smith College. Mrs. Smith died in 1881. His second wife was Elizabeth C. Stearns, of Clinton. They were married in 1886, and she lived until May 25, 1926. Judge Smith died at Clinton February 28, 1930, at the age of eighty-eight. He was beloved by the townspeople, and for the *Clinton Daily Item* of November 21, 1931, the

Reverend James C. Duncan wrote a long and appreciative memoir. At the close he records:

> The oftener I met him the better I liked him and admired his sturdy and sterling character. We did not always agree, particularly on the ticklish topics of prohibition and pacifism, both of which stirred his soul. But whether agreeing or disagreeing, I never doubted his downright intellectual honesty. He had the courage of his convictions and never hesitated to express them with refreshing vigor. Integrity and loyalty I should say were his chief moral traits. Uprightness of character was the dominating quality of his nature. Moreover this intellectual and moral integrity was deeply rooted in the religion that he inherited, as we have seen, from a long line of devout ancestors and was the very sinew of his own soul.

Frederic Jesup Stimson

By Charles Warren

Frederic Jesup Stimson had a long, interesting, and varied life, and few men have followed as many pursuits, for at one time or another he has been author, lawyer, banker, diplomat, and sportsman. It would require a long study by an attorney of the Boston Bar to record even in a few words his many books on law, government, economics, history, and labor relations, a partial list of which can be found in his fiftieth Harvard class report of June, 1926. Among the most important might be mentioned *Stimson's Law Glossary*, *American Statute Law* (three volumes), *Labor in its Relations to Law*, *Handbook to the Labor Law of the United States*, *The American Constitution*, *Law of Federal and State Constitutions*, *Popular Law-Making;* various reports in the volumes of the United States Labor Commissioner, the United State Industrial Commission, and the Interstate Commerce Commission.

Many of his less learned friends, such as myself, are much more familiar with his novels and lighter books (written under the name of "J. S. of Dale"), also far too numerous to mention even by name. Those of us who were fortunate enough to know Fred Stimson intimately read and reread his *King Noanett* in which the scene is laid in Norfolk County, where the mythical Indian sachem is supposed to have lived. In fact, the author probably was inspired to write this story from the many walks and horseback rides through the Noanett lands near Dover. His versatile pen did not prevent him from getting much pleasure and relaxation outdoors by indulging also in cross-country rides, mountain climbing, golf, and polo. In this last sport he did not excel, but his interest in the practice games and the successes of the Dedham teams in their matches was very keen and he was one of the first to offer congratulations when victories were achieved. It will be of interest to recall that one of his fellow polo confreres for a few years was A. Lawrence Lowell, a valued member of this Society.

Although tied down to his business and legal duties in Boston, he accepted President Wilson's appointment as the first Ambassador to the Argentine Republic, where he served from 1914 to 1921. While there during the World War he was of some influence towards inducing that government to send large quantities of wheat and other supplies to the Allies. While in Buenos Aires he also served as General Ambassador to Brazil during the year 1919.

He has held other important positions, including General Counsel for the United States Industrial Commission, member of the Commission to Revise the Massachusetts Corporation Laws, member of the Massachusetts Board of Commissioners on Uniformity of Law, professor of comparative legislation at Harvard for twelve years, lecturer at the Lowell Institute. He was a staunch Democrat until recently, serving as chairman of the Massachusetts Democratic State Convention, 1908; twice chairman of the Committee on Resolutions and delegate to the National Democratic Conventions, 1908 and 1912.

He served as Counsel of the United States Industrial Commission, was a Vice-President and one of the incorporators of the State Street Trust Company, a member of the American Institute of Arts and Letters, member of Phi Beta Kappa, National Civic Federation (and I must add for your amusement), honorary member of the Internationale Vereinigung für Vergleichende Rechtswissenschaft und Volkswirthschaftslehre, of Berlin. I am glad he wasn't a regular member!

He was twice married, had two children, five grandchildren, and eight great-grandchildren at his death.

He had many friends who have enjoyed his interesting anecdotes, his stories of European travel and the accounts of the interesting events of his business and legal career, as also the recounting of his outdoor pastimes.

He came of an old Dedham family, and prepared for College at Lausanne, Switzerland. He was born on July 20, 1855, and died in Dedham on November 19, 1943, at the age of eighty-eight.

Meetings

Annual Meeting

OCTOBER, 1944

The Society met in the Dowse Library on Tuesday, October 10, 1944, at 3 P.M., President BIGELOW in the chair.

The record of the May meeting was read and approved.

The Director reported accessions:

From George E. Cabot, a letter book (1846–1849) of Samuel E. Sewall, dealing largely with legal matters; and Samuel Cabot's diary kept during a European journey (1832–1833).

From T. Jefferson Coolidge, a microfilm copy of the Jefferson Papers in the Library of Congress.

From Miss Lizzie M. Mason, of Winchester, the journal of Elizabeth Cranch, niece of Abigail Adams, October, 1785–March, 1786; four letters of John Quincy Adams to Elizabeth Cranch, two written when he was a small boy and two when he was an undergraduate, and one page of a journal kept by Adams on a voyage to France in November, 1779; five letters (1785–1800) from Abigail Adams to Elizabeth Cranch, and one letter (July 30, 1784) from Abigail Adams, daughter of John and Abigail Adams, to Elizabeth Cranch.

From the Prince Society of Boston, the records of that Society.

From Miss Ruth Yeomans, of Trenton, New Jersey, a group of manuscripts, mainly of the Merrill family, of Haverhill, many of them relating to the history of that town during the Revolutionary War; and a broadside (September 22, 1777) containing the Resolve of the Massachusetts General Court relating to the dispatch of Massachusetts militia forces to reinforce General Gates.

The Cabinet-Keeper reported accessions:

From the Honorable Raymond S. Wilkins, a collection of prints, mainly of the Civil War period, including many fine ones relating to Lincoln and Grant.

From Mrs. Joseph Emerson Worcester, 2nd, of New York, a portrait of Joseph Emerson Worcester (1784–1865), the lexicographer, by Cephas Giovanni Thompson, painted in 1844.

The Curator of Coins and Medals reported accessions:

From D. C. Wismer, of Hatfield, Pennsylvania, a three-dollar bill of Philadelphia County, Pennsylvania, June 1, 1837; a one-dollar note of the Lehigh Coal and Navigation Company, Mauch Chunk, Pennsylvania, August 22, 1826; and a five-cent note of the City of Wilmington, Delaware, May 15, 1837.

The Corresponding Secretary reported the receipt of a letter from WILLIAM GURDON SALTONSTALL, of Exeter, New Hampshire, accepting his election as a Corresponding Member.

The chair announced the death of Gardner Weld Allen, a Resident Member, on July 12, 1944; that of Boylston Adams Beal, a Resident Member, on July 27, 1944; and that of Hubert Hall, a Corresponding Member, on July 27, 1944.

Mr. Henry L. Seaver read a paper entitled "Hair and Holiness."[1]

The Society then proceeded to the business of the Annual Meeting.

Mr. Charles E. Goodspeed read the

REPORT OF THE COUNCIL

ANOTHER year of wartime conditions has passed, underscoring the lesson learned during the preceding year: that times like these do not produce solutions of any of the problems that had become pressing long before the war, and furthermore add a host of new difficulties, all of them irritating and some as serious as the old ones. To a considerable extent the Council, when faced with these problems, has been compelled to adopt a policy of merely marking time. Yet wherever it has seen the possibility for more constructive action it has made every endeavor to take such steps as would put the Society's affairs in the condition best calculated to guarantee the Society's readiness to go on with new vitality when current handicaps have disappeared.

As it is, the Society has, during the past year, done better than merely hold its own. More individual members have attended the meetings than during the year before (sixty-seven as against fifty-eight), and the average attendance has increased (30.8 as against 28.375). Those present have, furthermore, greatly enhanced the quality of the meetings through a readiness for discussion of the papers read that has not been equaled for many a year. It is also gratifying to see that greater advantage is being taken of the opportunity for making the monthly meetings social occasions. The Council shares the frequently expressed regret that the program of speakers does not reflect more fully the happenings of the present moment. It should be borne in mind, however, that many of those members who have the expert knowledge necessary for the adequate presentation of such subjects are away in government service, that others have found their regular duties so increased by wartime complications that they are genuinely unable to take on any additional commitments, and that the Society's rules do not allow nonmembers to address the meetings.

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[1] Printed in this volume, 3–20.

In the face of increasing difficulties, the Society has thus far been able to maintain its publishing activities on much the same scale as in recent years. Volume XIX in the series of reprints of eighteenth-century *Journals of the House of Representatives of Massachusetts* was issued in December, 1943. Particularly gratifying is the resumption, after a lapse of twelve years, of the publication of *Winthrop Papers.* Volume III, published in November, 1943, covers the years 1631–1637; Volume IV, published in August, 1944, covers the period 1638–1644. That so important an undertaking, one so widely acclaimed by scholars in the field of American colonial history, should have had such slow progress points a moral for the future: we must beware of making special commitments in the field of publication when the funds made available are obviously inadequate. Another volume in this particular series is now virtually ready for the press, but it will be several years before sufficient income will have accumulated in the funds specifically given for financing the series, and the only alternative would be to draw on other publication funds or on the General Fund, all of which are, to be most optimistic, barely adequate for the Society's manifold other needs.

The Publication Committee warns the members to expect a leaner output in the months immediately ahead. Volume VI of *Sibley's Lives of Harvard Graduates* has gone to press. But Volume LXVII of the *Proceedings,* at one time intended for publication in 1944, will almost certainly be delayed because of the necessity of including in it the papers for 1943–1944 as well as 1941–1943; while Volume XX of the *House Journals,* also planned for 1944, has been indefinitely postponed because of the printer's inability to secure suitable paper. It is hoped that a badly needed new edition of the By-laws can soon be printed. Such a hope, however, as is indeed the case with any that has to do with the manufacture of books in these times, is at the mercy of unpredictable paper-quota rules.

The Society has lost by death since the last Annual Meeting the following members:

Albert Bushnell Hart, a Resident Member since 1889 and at the time of his death the Senior Member of the Society, died June 16,

1943. Probably no other person has done so much to advance the study and reading of American history. He wrote scholarly works on various aspects of the subject, edited source documents, produced textbooks for schools and colleges, wrote popular articles, supervised cooperative histories, and, as a director of graduate work, helped to raise up a new generation of historical scholars.

Frederic Jesup Stimson, a Resident Member since 1903, died November 19, 1943. He displayed conspicuous attainments along many lines. In the field of letters he won many readers as a novelist; in the field of law he was both a teacher and the author of valuable works of a pioneering nature; in the field of diplomacy he served with distinction as the first American Ambassador to Argentina.

Hubert Hall, a Corresponding Member since 1905, died July 27, 1944, the victim of a German flying bomb. It would be difficult to name anyone in the last half century whose service to American historical students in England has been comparable with his.

Gardner Weld Allen, a Resident Member since 1910, died July 12, 1944. Born in Bangor, Maine, Dr. Allen was graduated from Harvard in 1877 and practised medicine in Boston for forty years, retiring in 1922. Thereafter his chief interests were three: the American Navy, Harvard University, and the Massachusetts Historical Society. Among his books on naval history, Dr. Allen edited two volumes of our *Collections: Massachusetts Privateers of the Revolution* (1927) and the *Papers of John Davis Long* (1939). In one sense, Dr. Allen was unique: during more than thirty-three years of active membership he missed only three meetings of this Society—one to attend the funeral of a friend and two following the stroke of which he died.

Albert Auguste Gabriel Hanotaux, a Corresponding Member from 1905 to 1921 and an Honorary Member since 1921, died April 11, 1944. After a public career which brought him to the French Ministry of Foreign Affairs, he devoted himself to scholarly pursuits and became one of the outstanding French historians of the present century. At the time of his death he was Dean of the French Academy.

Charles McLean Andrews, a Corresponding Member since 1924, died September 9, 1943. Connected successively with Johns Hopkins, Bryn Mawr, and Yale, he early established himself as one of the foremost scholars in American colonial history. The author of many articles and books, he gave a new direction to the labors of other scholars and trained a long succession of younger men and women in the field. He summed up his life's studies in the four-volume work, *The Colonial Period of American History* (New Haven, 1934–1938).

FREDERIC WILLIAM HOWAY, a Corresponding Member since 1927, died October 4, 1943. A lawyer by profession, he developed a technique and skill as an historian which won for him a place of eminence among workers in that field. His *Voyages of the "Columbia,"* published by this Society in 1941 as Volume LXXIX of its *Collections*, which he regarded as in many ways his finest work, has greatly enhanced the Society's reputation in the scholarly world.

CHARLES MILTON DAVENPORT, a Resident Member since 1938, died July 22, 1943. One of the most public-spirited men of his generation in Massachusetts, he was a quiet, wise, effective person to whom others turned not only for judgment but for almost any kind of difficult public service which involved work and invited criticism and was without glamor. From his personal contact with the country districts throughout the Commonwealth he was steeped in the local history, not only of his native County of Franklin, but of all central and western Massachusetts. He typified in his character the best qualities of New England civilized democracy.

SIR WILLIAM SEARLE HOLDSWORTH, an Honorary Member since 1939, died January 2, 1944. In 1888, Professor Maitland, the leading English legal scholar of his day, deplored the fact "that no attempt has ever been made to write the history of English law as a whole." Beginning with his first volume in 1903, Holdsworth, during a period of forty years, supplied this want by his twelve volumes of the *History of English Law*, covering seven centuries. By this illuminating work he provided, in the words of Mr. Justice Holmes, "one of the most important chapters in the greatest human document—the tale of what men had most believed and most wanted . . . told with learning and scientific instinct" for both "philosophers and practical students of the Law."

BOYLSTON ADAMS BEAL, a Resident Member since 1940, died July 27, 1944. He was a gentleman not merely of the Old School but of the Boston Old School. More at home in London or Rome than he would have been in any city of our own but Boston, he was a citizen of the older civilized world with a lively interest in letters, the arts, and affairs. With a modest and quiet personal force, he filled a place quite his own—a place which few, if any, are growing up to fill.

CHARLES E. GOODSPEED
For the Council

REPORT OF THE TREASURER

I HEREWITH submit the audit report of the Massachusetts Historical Society as my report as Treasurer of the Society. It is in this instance a factual presentation of the results of operation for the fifteen-month period from March 31, 1943, and of the financial condition on June 30, 1944.

This change in the accounting period, and the resulting change in the date of the Annual Meeting, were due to the very practical reason that accountants and auditors are so pressed at the present time during the first quarter of the year with income taxes that it seemed wise to change the closing of the Society's fiscal year to a time when they were less pressed. There will be some saving of expense to the Society thereby.

A comparison of the balance sheet of the present account of June 30, 1944, with that of March 31, 1943, shows a shrinkage of $54,626.55 in the resources of the Society. This is due to a change in the method of bookkeeping. Previously the Photostat Account, the General Account, and the Library Duplicate Account were carried as assets of the Society. These are in fact deficits, and in the opinion of the Treasurer should be so considered. Accordingly in the new account they are carried under the liabilities.

Comparisons with the prior year cannot be accurately made, as this report covers a fifteen-month period. If the fifteen-month period is reduced to twelve months on an overall basis, the following comparisons result:

	1942–1943	*1943–1944*
Gross Income from Securities	$42,334.49	$42,393.44
Rate % of Credit to Funds Income	4.3726%	4.2532%
Expenses	$26,563.33	$31,100.36
Deficit Charged to General Account	$ 8.32	$ 7,892.67

The increase in expenses was primarily caused by increases in:

Steam Service Change in the Building	$1,288.00
Other Building Expenses	936.00
Administration	1,417.00
Bindery	335.00
Library Rent	170.00
Library Supplies	500.00

The increase in the deficit was primarily caused by:

General Increases in Expenses	$4,646.00
Amortization of Premiums on Bonds	2,961.00

In the past five years Amortization was not charged to Income. It was charged to Capital Reserve, which, in effect, was merely distributing the loss over the life of the security and not providing for the recoupment of the premium. It is suggested that the amounts not charged off against Income during the past five years be added to the remaining premium and the total charged off in annual amounts over the remaining life of the bonds.

During the year the Society received only one permanent gift, that of the Prince Society in the amount of $1,345.07 of which only the income is to be used for publications. The other gifts were one of $500 from Augustus P. Loring, Jr., and another of $8 from another member. The Principal of the funds was increased by the addition of Income added to Principal in the amount of $11,847.97.

Very few changes in investments were made during the year. Gains resulting from what few changes were made amounted to $3,073.88.

Since the closing of the fiscal year the Finance Committee has made changes of investments by ordering the sale of sixteen issues of bonds and twenty-two stocks, in place of which it has ordered the purchase of $100,000 U. S. Savings Bonds, Series G, 2½%, and twenty-six stocks. The bond sales and purchases have been completed, and the sales and purchases of the stocks are now in process. This involves some $300,000 of the funds of the Society. In making these changes only time can tell of the soundness of their judgment, but at the present time it seems to the Treasurer and to the members of the Finance Committee that they are taking the most conservative steps in the light of present conditions.

The comparison of Book to Market Value of the securities is as follows:

	Book Value	*Market Value*	%
Bonds	$418,148.24	$426,489.87	102.00
Preferred Stocks	154,966.05	157,750.37	101.80
Common Stocks	374,195.27	313,724.00	83.84
	$947,309.56	$897,964.24	94.79

The item of Suspense shown in the Balance Sheet in the amount of $267.50 consists of dividends on:

200 Pacific Mills	$250.00
50 General Electric	17.50

These items were incorrectly deposited in the Society's account, the first by the State Street Trust Company and the second by my office. Both these items have been found and corrected.

It will be seen from this report that there is a deficit for the last fifteen months of $7,892.67. This added to the accumulated deficit of $50,911.81 makes a deficit of $58,804.48 in the General Account, $5,683.84 in the Photostat Account, and $4,719.18 in the Library Duplicate Account, or a total deficit of $69,207.50. Of course this means either that the Society must increase its income by an amount of some $7,000 a year or that the expenses of the Society must be cut down, because ultimately a deficit of this size each year would be disastrous.

The Finance Committee hopes to increase the income by the changes of investments made, and has done so, always bearing in mind that there shall be no deterioration in the security of the funds, and also that there shall be no undue proportion in any one security. But even with this done, there will not be income enough to cover the deficit each year, which must be made up either by voluntary contributions to the Society, increases in the gifts to the funds, or a reduction in the running expenses of the Society.

In closing I wish to say a few words in regard to the devotion of my predecessor in this office, George G. Wolkins, who served as Treasurer for a great many years. No one, perhaps, appreciates the amount of thought, time, and effort Mr. Wolkins gave to the Society. Many a Saturday afternoon and holiday he gave up his time and energies to working on its books and securities. It was indeed a labor of love and service to the Society, and no words of mine can express the appreciation which should be due him for his faithful services.

Augustus P. Loring, Jr.
Treasurer

REPORT OF THE DIRECTOR

THERE is no need this year for the Director's Report to be a lengthy one. This is not because there has been any curtailment in the activities of the Society that come within his jurisdiction. The Report of the Council indicates that the Society's publication program is moving ahead at a satisfactory rate. And any of the increasing number of members who have in recent months been using the Library for their research can testify that the staff has had its hands more than full. The total number of visitors (1,166) was, to be sure, slightly less than that during the previous year. But the demands on the staff were actually greater since we did not have with us the group of W. P. A. workers who were regular customers during the greater part of the previous year.

The fact is that the times are not propitious for spectacular achievements in an institution like this. An undermanned staff has given of its utmost to keep the regular machinery operating with undiminished efficiency and in addition has made significant progress along many lines in remedying shortcomings inherited from an earlier day in the organization, availability, and preservation of the material in the Library. Much more remains to be done along these lines, and considerable progress is to be anticipated during the year ahead. The details of all this are not matters of general interest. But dull and routine as they may seem to be, it is certain that such accomplishments will result in future advantages that cannot now be readily imagined.

The accessions for the year,[1] while in total number comparing favorably with those in recent years, reflect, as may be seen from the Director's monthly reports, the handicap besetting the Library through the lack of adequate funds for the purchase of the kind of

[1]

Books	322
Pamphlets	277
Periodicals	947
Broadsides	149
Maps	1
Newspapers	29
	1,725

rarities that belong in a collection such as ours. Any marked improvement in this situation is, however, hardly to be expected for the time being.

There is ample evidence of the continuing high prestige of the Society both in new historical works of distinction that are based in part on research carried on in this Library, and in the daily correspondence of the Director carried on with historical scholars throughout the country. This is a reward for services rendered in which all members of the Society should consider themselves entitled to share.

ALLYN B. FORBES
Director

REPORT OF THE CABINET-KEEPER

THE additions to the Cabinet during the past year have been fully reported from month to month in the *Proceedings* and call for no additional comment at this time.

HENRY W. FOOTE
Cabinet-Keeper

The committee to nominate officers for the ensuing year made its report, presenting candidates. A ballot being taken, the following were elected:

President
ALBERT FRANCIS BIGELOW

Vice-Presidents
ROGER BIGELOW MERRIMAN
GEORGE GREGERSON WOLKINS

Recording Secretary
FRANK WASHBURN GRINNELL

Corresponding Secretary
ROGER WOLCOTT

Treasurer
AUGUSTUS PEABODY LORING, JR.

Cabinet-Keeper
HENRY WILDER FOOTE

Members-at-Large of the Council

For One Year
CHARLES ELIOT GOODSPEED
SHEPARD POND

For Two Years
CLARENCE SAUNDERS BRIGHAM
FRED NORRIS ROBINSON

For Three Years
CHAUNCEY CUSHING NASH
PHILIP PUTNAM CHASE

November Meeting, 1944

THE Society met in the Dowse Library on Thursday, November 9, 1944, at 3 P.M., President BIGELOW in the chair.

The record of the October meeting was read and approved.

The Director reported accessions:

From Mrs. Henry H. Fay, of Boston, a group of letters written by Thomas Nicolson to George Watson from various points in the West Indies during the years 1787–1792.

From Mrs. Charles A. Platt, of Windsor, Vermont, the European journal of her grandfather, Alpheus Hardy, 1846.

From Mrs. Henry D. Tudor, of Cambridge, a collection of family papers, consisting chiefly of correspondence of Senator Lafayette S. Foster and his wife.

The Cabinet-Keeper reported accessions:

From George G. Davis, of Needham, a portrait of the Reverend Ellis Gray, minister (1738–1753) of the New Brick Church, Boston, by Joseph Badger.

The chair announced the death of JOHN STEWART BRYAN, a Corresponding Member, on October 16, 1944.

The Society elected Frederic Haines Curtiss, of Dover, and Edwin Merrick Dodd, of Cambridge, to Resident Membership and Charles Warren, of Washington, D. C., to Corresponding Membership.

It was *voted*, that the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury to be expended for such objects as may seem desirable to the Council of the Society.

The chair announced the appointment of the following Standing Committees for the ensuing year:

By-laws: Roger Wolcott, *Chairman*; Frank W. Grinnell; and Augustus P. Loring, Jr.

Finance: Albert F. Bigelow, *Chairman ex officio*; George E. Cabot; and James M. Hunnewell.

House: Shepard Pond, *Chairman*; George E. Cabot; and Philip P. Chase.

Library: Charles E. Goodspeed, *Chairman*; George P. Winship; and Donald McK. Frost.

Meetings: M. A. DeWolfe Howe, *Chairman*; Zechariah Chafee, Jr.; and Fred N. Robinson.

Photostat: George G. Wolkins, *Chairman*; Allyn B. Forbes; and Keyes DeW. Metcalf.

Publication: Arthur M. Schlesinger, *Chairman*; Lawrence S. Mayo; Stewart Mitchell; James Duncan Phillips; and Allyn B. Forbes.

Mr. James P. Baxter, 3rd, read a paper entitled "Plans for the History of the Present World War."

December Meeting, 1944

The Society met in the Dowse Library on Thursday, December 14, 1944, at 3 p.m., President Bigelow in the chair.

The record of the November meeting was read and approved.

The Director reported accessions:

From the estate of Richard Olney, miscellaneous manuscripts and pamphlets relating to various phases of Mr. Olney's career.

By purchase: Thomas Weld, *A Brief Narration of the Practices of the Churches in New-England* (first edition, London, 1645), the only copy thus far located containing the leaf of errata.

The Corresponding Secretary reported the receipt of letters from Frederic Haines Curtiss of Dover and Edwin Merrick Dodd of Cambridge accepting Resident Membership, and Charles Warren of Washington, D. C., accepting Corresponding Membership.

The Society unanimously voted to adopt the following amendment to the By-laws:

Chapter I, *Article* 1. Strike out in the first line of the first paragraph the word "three" and insert the word "four" and insert in the second line after the word "Corresponding" the word "Associate" so that said paragraph shall read as follows: "Membership in the Society shall be of four classes: Resident, Corresponding, Associate, and Honorary." Also insert a new fourth paragraph which shall read as follows: "Associate Members shall be those who have been elected Resident Members but who have ceased to be citizens of Massachusetts residing some considerable part of each year within this Commonwealth, and those who have been elected Corresponding Members but who have become citizens of Massachusetts residing some considerable part of each year within this Commonwealth. Any transfer to Associate Membership shall create a corresponding vacancy in the class from which such transfer is made."

Mr. F. LAURISTON BULLARD read a paper entitled "When Lincoln 'Ruled' Alone."[1]

January Meeting, 1945

THE Society met in the Dowse Library on Thursday, January 11, 1945, at 3 P.M., President BIGELOW in the chair.

The record of the December meeting was read and approved.

Mr. M. A. DEWOLFE HOWE presented a paper entitled "Biographer's Bait: A Reminder of Edmund Quincy."[2]

Mr. W. CAMERON FORBES, in presenting to the Society a scrapbook of clippings from Boston newspapers of the Civil-War period assembled by the mother and sisters of his father, William Hathaway Forbes, spoke as follows:

This scrapbook was obviously one made by the mother and sisters of my father, Colonel William Hathaway Forbes of the Second Massachusetts Cavalry.

William Hathaway Forbes was born November 1, 1840. He went to Harvard College, where he rowed on the varsity crew, but he was expelled as a result of his having been caught in what in the eyes of the students was a prank, but was more seriously looked on by the college authorities. As this episode has been often cited and a similar but incorrectly described action attributed to one of the characters in George Santayana's *The Last Puritan,* I think it appropriate to set forth the facts.

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[1] Printed in this volume, 301–349.

[2] Printed in this volume, 377–391.

A secret society existing at Harvard, known as the Med. Fac., had a practice, some time during the college year, of stealing the Harvard Bible from the Harvard Chapel and exchanging it for the Yale Bible, which was simultaneously taken from the Yale Chapel. In the morning the Harvard chaplain would find himself with the Yale Bible, and the matter of restoring Bibles to their proper owners became a university function. Determined to put an end to this practice, Harvard College had a policeman placed in the Chapel, and it was known to the authorities that he carried a pistol and proposed to shoot. My father found his way into the Chapel; the policeman fired at him and missed him; whereupon my father felled him with a billy.

The case caused a great deal of excitement at the time and very severe criticism of the authorities for having one of their young students shot at. I was told that the whole Class of 1861 offered to walk out when my father left and was dissuaded from this action by my grandfather, who suggested that no action be taken. My grandfather paid the policeman a sum of money not to press his charge for assault.

In the story as told in *The Last Puritan* the policeman was felled with a blow of the Bible and killed, and the court found that the death was accidental, having been caused by the policeman's striking some sharp object as he fell. The difference between that and the real story is obvious.

Having left college, my father went into my grandfather's house of J. M. Forbes & Co., of which he later became a partner and remained a partner up to the time of his death. He went to the South as a lieutenant in the First Massachusetts Cavalry and came back with the rank of captain to assist Colonel Charles Russell Lowell in raising the Second Massachusetts Cavalry. Of the latter regiment he became successively major, lieutenant colonel, and, a few days before his resignation, colonel in succession to Caspar Crowninshield, who had in turn succeeded Colonel Lowell when the latter was killed at Cedar Creek.

My father commanded a detachment of the Second Cavalry in an affair near Leesburg, Virginia, in which he was disastrously defeated by Colonel John Singleton Mosby's guerrillas. He and his lieutenant, Charles Walter Amory, of Boston, were captured, and they sojourned in various prisons in the South during practically the whole of the Shenandoah campaign, in the course of which the officers of the regiment suffered casualties so severe that two sets of officers were lost while my father was in prison. He was released on parole in March, 1865, exchanged about April 1, at which time he had just become engaged to my mother, Edith Emerson, of Concord, and by hard riding managed to get to the front to be with his regiment the last three or four days before Lee's surrender at Appomattox, at which he was present.

Returning to the office in Boston some time in the 1870's, he became President of the Bell Telephone Company, to which he gave the most of his business attention for the rest of his life, retaining, however, his partnership in his father's firm of J. M. Forbes & Co. He carried the Telephone Company through its fights with the Western Union, which at that time had a plan for exercising a stranglehold on this infant giant, and then carried through the fights for the protection and establishment of the patents, which were severely attacked in the courts in the next fifteen years.

He died October 11, 1897, undoubtedly, the doctors thought, as a result of illness which got started because of the privations he suffered while in prison during the Civil War.

I have consulted all the heirs within reach, and they are unanimous in wishing to have me present this scrapbook, which is in no sense personal to my father but might serve the Society as a convenient book of reference for any person interested in learning how the events of the day were presented to the Boston public by the daily press during the Civil War. There are a few later clippings, some in relation to the death of Senator Sumner and some bearing on Ben Butler and his activities.

February Meeting, 1945

THE Society met in the Dowse Library on Thursday, February 8, 1945, at 3 P.M., President BIGELOW in the chair.

The record of the January meeting was read and approved.

The chair announced the death of DIXON RYAN FOX, a Corresponding Member, on January 30, 1945, and that of GODFREY RATHBONE BENSON, LORD CHARNWOOD, a Corresponding Member, on February 3, 1945.

The Society elected John Adams, of Lincoln, and Lee Max Friedman, of Boston, to Resident Membership, and Dudley Wright Knox, of Washington, D. C., to Corresponding Membership.

The Reverend ROBERT H. LORD read a paper entitled "The Russo-Polish Boundary Problem."[1]

March Meeting, 1945

THE Society met in the Dowse Library on Thursday, March 8, 1945, at 3 P.M., President BIGELOW in the chair.

The record of the February meeting was read and approved.

The Director reported accessions:

From Miss Sylvia Delano Hitch of Milton, four letters of Captain Joseph Delano (1796–1886), written in his early youth when sailing under his uncle, Captain Warren Delano.

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[1] Printed in this volume, 407–423.

From M. A. DeWolfe Howe, a manuscript inventory of the estate of Josiah Quincy (1744–1775).

The Corresponding Secretary reported the receipt of letters from John Adams, of Lincoln, and Lee Max Friedman, of Boston, accepting Resident Membership and Dudley Wright Knox, of Washington, D. C., accepting Corresponding Membership.

The chair announced the death of Julius Herbert Tuttle, a Resident Member, on February 10, 1945. Mr. Tuttle was a member of the library staff from 1878 to 1919, Librarian from 1919 to 1934, and Librarian Emeritus from that time until his death. The chair also announced the death of Frederic Bancroft, a Corresponding Member, on February 22, 1945.

The Society elected Douglas Southall Freeman, of Richmond, Virginia, and Curtis Putnam Nettels, of Ithaca, New York, to Corresponding Membership.

Mr. Sidney B. Fay read a paper entitled "What Is to Be Done with Germany?"

April Meeting, 1945

The Society met in the Dowse Library on Thursday, April 12, 1945, at 3 p.m., Vice-President Wolkins in the chair.

The record of the March meeting was read and approved.

The Director reported accessions:

From Mrs. Ashley P. How, of Flushing, New York, manuscripts relating to Elizabeth Palmer Peabody and the Peabody Family.

The Corresponding Secretary reported the receipt of letters from Douglas Southall Freeman of Richmond, Virginia, and Curtis Putnam Nettels of Ithaca, New York, accepting their election as Corresponding Members.

The chair announced the death of Thomas Goddard Frothingham, a Resident Member, on March 17, 1945.

The Society elected Leonard Woods Labaree, of New Haven, Connecticut, to Corresponding Membership.

The chair reported from the Council that the General Court had enacted Chapter 75 of the Acts of 1945, as follows:

CHAPTER 75

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-five An Act Relating to the Massachusetts Historical Society.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows: Section 1. Nothing in the act of incorporation of The Massachusetts Historical Society, approved February nineteenth, seventeen hundred and ninety-four, or in chapter forty-one of the acts of eighteen hundred and fifty-seven, shall prevent said society from electing resident members, associate members, corresponding members and honorary members under such conditions, upon such terms and in such numbers as said society may from time to time prescribe by its by-laws. Section 2. This act shall take full effect upon its acceptance by vote of said society, and the filing with the state secretary of a certified copy of said vote, but not otherwise.

House of Representatives, February 26, 1945
Passed to be enacted, Frederick B. Willis, *Speaker*
In Senate, February 27, 1945
Passed to be enacted, Arthur W. Coolidge, *President*

March 5, 1945
Approved,
Maurice J. Tobin, *Governor*

A quorum being present, a vote was taken in accordance with Section 2 of this Act, and it was unanimously voted to accept the Act.

Mr. Lee M. Friedman read a paper entitled "Aaron Lopez and His Good Ship *Hope*."[1]

May Meeting, 1945

The Society met in the Dowse Library on Thursday, May 10, 1945, at 3 p.m., President Bigelow in the chair.

The record of the April meeting was read and approved.

The Director reported accessions:

From Victor H. Paltsits, of Jamaica, New York, a bound volume of printed and manuscript material relating to the discovery, by the late Wilberforce Eames, of a long lost and now the only recorded copy of John Eliot's printing of an Indian translation of the Book of Genesis (Cambridge, 1655).

From Dr. Henry R. Viets, letter books (1867–1884) of his grandfather, Colonel Gardiner Tufts, Massachusetts State Agent at Washington (1862–

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[1] This paper appeared in the American Jewish Historical Society *Publications*, Number 37 ([Philadelphia], 1947), 103–113.

1870), and founder, in 1882, of the Massachusetts State Reformatory, at Concord, and the Superintendent of it until his death in 1892.

The Corresponding Secretary reported the receipt of a letter from LEONARD WOODS LABAREE of New Haven, Connecticut, accepting Corresponding Membership.

The Society elected Arthur Harrison Cole, of Cambridge, and Ralph Lowell, of Westwood, to Resident Membership.

The chair announced the appointment of the following committee in preparation for the Annual Meeting in October:

To nominate officers for the ensuing year: SHEPARD POND, *Chairman*; CHARLES ELIOT GOODSPEED; and WILLIAM A. JACKSON.

The chair announced that the Council had designated the hour of 3:30 P.M. as the time for holding the meetings of the Society beginning with the meeting in October, 1945.

Mr. WILLIAM D. MILLER read a paper entitled "The Background and Development of Naval Signal Flags."[1]

Annual Meeting

OCTOBER, 1945

THE Society met in the Dowse Library on Thursday, October 11, 1945, at 3:30 P.M., President BIGELOW in the chair.

The record of the May meeting was read and approved.

The Director reported accessions:

From Harold S. Jantz, a copy of [Thomas Baker], *Reflections upon Learning* (eighth edition, London, 1756), with the autograph of James Otis (1725–1783).

From Sidney A. Kimber, of Duxbury, three letter books of the publishing firm of John Wilson & Son, Cambridge.

From Horace Mann, of Southwest Harbor, Maine, correspondence of his grandfather, Horace Mann (1796–1859), which fills in many gaps in the notable collection of Mann Manuscripts already in the Society's possession.

From H. C. Massiah, of Montreal, and W. L. Massiah, of Ottawa, a Charles J. Guiteau manuscript dated Boston, December 2, 1879.

From Robert Playfair, of the *Boston Globe*, a scrapbook relating to the Belfry Murder, Boston, 1875, compiled by Walter L. Sawyer.

From Mrs. Frederic Jesup Stimson, of Dedham, a portion of the correspondence of her husband.

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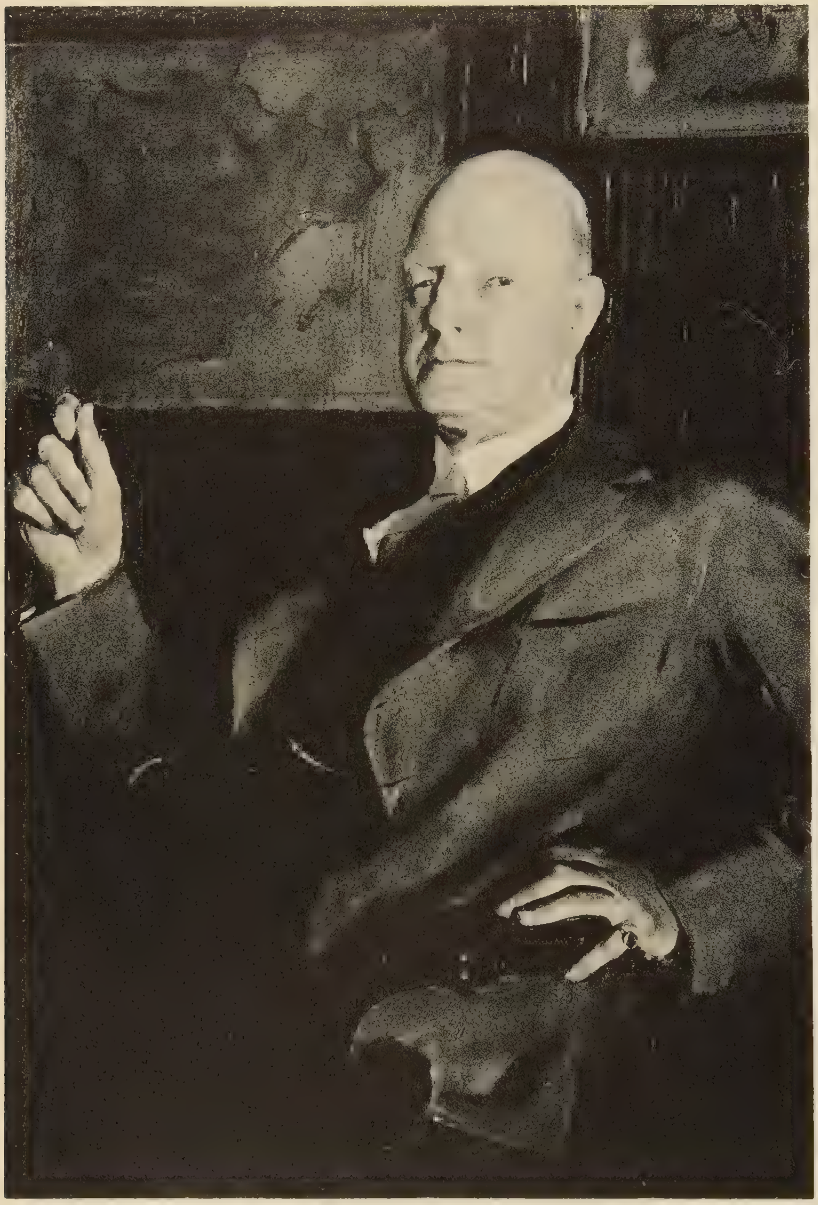
[1] Printed in this volume, 60–71.

INSTITUTE OF HISTORICAL RESEARCH



Roger B. Merriman

By purchase: Cotton Mather, *The Retired Christian. Or, The Duty of Secret Prayer* (Boston, 1703), one of three recorded copies.

The Corresponding Secretary reported the receipt of a letter from Ralph Lowell, of Westwood, accepting his election as a Resident Member.

The chair announced the death on May 28, 1945, of Shepard Pond, a Resident Member, and Curator of the Society's coins and medals; that on June 17, 1945, of Max Farrand, a Corresponding Member; and that on September 7, 1945, of Roger Bigelow Merriman, a Resident Member, at the time of his death Vice-President of the Society.

The chair read the following Resolution of the Council on the death of Mr. Merriman:

ROGER BIGELOW MERRIMAN

Roger Bigelow Merriman, Vice-President of this Society since 1932, died at his summer residence, St. Andrews, New Brunswick, on September 7, 1945, at the age of sixty-nine. Mr. Merriman was born in Boston in 1876 and was graduated from Harvard with the Class of 1896. In 1902 he took his doctorate, and published the *Life and Letters of Thomas Cromwell*, and became Instructor in History at Harvard. From the beginning of his career as a scholar and teacher he reveled in describing the great figures of the Renaissance and the Reformation. If his admiration for Henry VIII was stubborn and perhaps excessive, his character-portrait of Philip II in his *Rise of the Spanish Empire* is magnificent and unforgettable. He loved to dwell on the dynastic complications of the history of Europe, and in the many years during which he was in charge of History I he showed the scope and power of his imagination. As a lecturer he was unfailingly dramatic and effective without ever stooping to make use of cheap showmanship. Generations of Harvard students, even those who never had the good fortune to take his courses, knew him by sight and sound, and some of them learned to love life from his own obvious love of it.

In 1904 Mr. Merriman was elected a Resident Member of this Society at the early age of twenty-seven, beginning a service that was long and loyal. From 1923 to 1932 he was its faithful Corresponding Secretary. Thereafter, as Vice-President, whenever he was called upon to take the chair at meetings he presided with grace and dignity. His pride in the Society was outstanding, and it was returned by his fellow members with a pride and pleasure in their association with him here.

Stewart Mitchell

Mr. Edward M. Pickman read a paper entitled "Libertine Ideas in the Time of Richelieu and Mazarin."[1]

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[1] Printed in this volume, 21–59.

The Society then proceeded to the business of the Annual Meeting. Mr. Philip P. Chase read the

REPORT OF THE COUNCIL

THE war is over, and it is almost with a feeling of surprise that we realize that its effects on the Society were not so harsh as there was good reason in December, 1941, to fear might be the case. The threat of physical damage to the Library never materialized, and the risk taken of keeping our collections of rare books and manuscripts constantly available to scholars proved to be a safe one. To be sure, the Society was deprived of the services of several of its members who were called away by war duties. Furthermore, the Library staff was depleted, and the photostat department, which since its inception under Mr. Ford's direction has been an invaluable part of the Library's work, had to be closed down altogether. Still, at no essential point have the Society's activities had to be curbed to the extent that its services to the public have materially suffered.

All this is indeed a cause for congratulation provided it does not lead the members to the conclusion that there is no need to worry about the future. For in a sense these war years have been but an interlude, and with their passing we are in many respects back exactly where we were in 1941.

We are no richer now than we were then. Without additional funds, particularly for general purposes, the Society must expect to encounter difficulty in keeping its activities at the level of the past. Now that the pressure from wartime charities is about to be lifted, the Council will feel free to consider what immediate steps may be taken—possibly in the form of an appeal for annual donations or an outright assessment—to ease the financial strain and to make possible that growth which is the essential of good health in an organization like this.

A second problem to which the Council is prepared to give immediate consideration is the future of our photographic department. The day when it could pay its way on the basis of the photostat machine alone has passed for good, a fact made quite clear by the deficit for the department shown in the Treasurer's reports during the immediate prewar years. Shall the Library be handicapped through the permanent abandonment of its photographic department? Can we recoup the sizable capital expenditure that would be required to bring us technically abreast of the times? If not, are we prepared to operate this department at a deficit as a part of our contribution to scholarship? Those are among the questions for which the Council must find answers.

Each passing year not only sees the Society's building steadily depreciating, but further reveals its present inadequacy for the purpose for which it was supposedly designed. Now that restrictions on new building are on the point of being raised, the Council will feel free to consider seriously any opportunity that may arise for disposing of the present structure. As it now stands, it is incapable of being adequately modernized, at any rate at any reasonable cost. Two alternatives are possible: a new wing, for which land is available at the rear of the present structure; or abandonment of the present building and the erection of a new one on a new site.

Three new volumes of the Society's publications are now in the binder's hands, and all will bear the date 1945 in the imprint even though all may not reach the members before the new year: Volume LXVII of the *Proceedings*, covering the period October, 1941–May, 1944; Volume XX of the *House Journals*, including the journals for the years 1742–1744; and Volume VII of *Sibley's Lives of Harvard Graduates*, containing the classes of 1722–1725. At least two volumes are scheduled for 1946: Volume XXI of the *House Journals* and Volume V of the *Winthrop Papers*. The publication of the latter within two years of the appearance of the preceding volume in this expensive series has been made possible by a generous gift from members of the Winthrop family which will cover the entire cost of the book.

The Society has lost by death since the last Annual Meeting the following members:

FREDERIC BANCROFT, a Corresponding Member since 1901, died February 22, 1945. He was a notable student, collector, and writer in the field of the history of the South, and his repeated gifts to the Society bespeak his constant interest in its welfare.

ROGER BIGELOW MERRIMAN, a Resident Member since 1904, and Vice-President at the time of his death, died September 7, 1945. Few members of the Society have been called upon over so long a period of years to serve it in such a wide range of responsible posts. He responded to each call with the full measure of his characteristic vigor and enthusiasm, until indeed long before his death he had become one of the Society's finer traditions.

JULIUS HERBERT TUTTLE, a Resident Member since 1915, died February 10, 1945. For fifty-six years, fifteen of them as Librarian, he served this Society with distinction, winning for it friends from one end of the country to the other. No greater tribute to his enduring reputation could be found than the number of people who continue to associate this Society with his name.

MAX FARRAND, a Corresponding Member since 1919, died June 17, 1945. As an author of historical works, as an editor of significant historical documents, and as director of a library noted the world over as a center for historical research he exemplified the finest traditions of this Society.

THOMAS GODDARD FROTHINGHAM, a Resident Member since 1921, died March 17, 1945. A captain in the First World War, he devoted much of his time in the succeeding years to the writing of books on military and naval history, all of which are of a high order of scholarship. He was a devoted attendant at the meetings of the Society, and he often entered into the discussions of the papers presented.

GODFREY RATHBONE BENSON, LORD CHARNWOOD, a Corresponding Member since 1921, died February 3, 1945. His excursions into the field of American history, notably his biography of Abraham Lincoln, secured for him a firm place in the esteem of his American colleagues.

DIXON RYAN FOX, a Corresponding Member since 1937, died January 30, 1945. He was distinguished as an historian, editor, and educator. As an historian he displayed a keen and fruitful interest in local as well as national history and in the dissemination of historical knowledge through museums, motion pictures, and the radio as well as through conventional scholarly channels.

JOHN STEWART BRYAN, a Corresponding Member since 1938, died October 16, 1944. One of the leading newspaper publishers of this country, he had been associated with his chosen profession for forty-five years, since 1914 the publisher of the *Richmond News-Leader*, always maintaining a high and progressive standard in newspaper publication. Interested in higher education, he was President of the College of William and Mary from 1934 to 1942. Noted as a public speaker, his wit, friendliness, and high ideals made him welcome at every gathering.

Shepard Pond, a Resident Member since 1942, died May 28, 1945. From the day of his election he placed himself completely at the service of the Society and as quickly won for himself a unique position in the esteem and the affection of his fellow members. Through his expert knowledge of numismatics he restored the Society's collection of coins and medals to its deserved prestige.

Philip P. Chase
For the Council

REPORT OF THE TREASURER

I HEREBY submit the Auditor's Report as my report to the Society for the fiscal year ending June 30, 1945.

Actual comparisons with the prior year cannot be accurately made, as that report covered a fifteen-month period. However, by reducing the 1943–1944 period to a twelve-month basis, the following comparisons result:

	1943–1944	*1944–1945*
Gross Income from Securities	$42,393.44	$43,086.02
Rate % of Credit to Funds Income	4.2532%	4.5726%
Expenses	$31,100.36	$26,295.29
Deficit Charged to General Account	$ 7,892.67	$ 1,009.40

The decrease in expenses was primarily caused by decreases in:

Heating	$1,846.00
Library Expenses	300.00
Rent of Space at New England Deposit Library	1,350.00
Miscellaneous Building Expense	600.00
Retirement Allowance of Librarian Emeritus	1,250.00

The decrease in the deficit was primarily caused by decreases in the following items:

General Expenses	$4,800.00
Amortization of Premiums on Bonds	1,668.00

During the year the Society received two funds: one from James Duncan Phillips of $500, the income of which is to be used for general purposes; and one from the estate of Henry H. Edes, to be known as the Charles Deane Fund, the income of which is to be used primarily to defray the cost of publications or for general purposes as the Council may determine. Gifts were received as follows: $100 from Charles E. Goodspeed to defray the cost of a catalogue of early imprints in the Library; $425 from T. Jefferson Coolidge to cover the cost of a microfilm copy of the Jefferson manuscripts in the Library of Congress; and $500 from Augustus P. Loring, Jr. There has also been a gift of $5,500 from the Winthrop family to cover the cost of *Winthrop Papers,* Volume V, which has been credited to the Frederic Winthrop Fund.

The Principal of the funds was further increased by the addition of Income added to Principal in the amount of $7,518.65 (see Schedule 2a of the Auditor's Report). The current year's deficit has been charged against the Principal of the Adams Fund, the same having been done at the beginning of the year, by vote of the Council, with the accumulated deficit.

The changes in investments made during the year were many and varied. On securities sold there was a net loss in the amount of $3,189.03. The comparison of Book to Market Value of the securities is as follows:

	Book Value	*Market Value*	*%*
Bonds	$294,898.05	$299,542.50	101.57
Preferred Stocks	55,055.05	69,943.75	127.04
Common Stocks	591,823.36	625,170.13	107.32
	$941,776.46	$994,656.38	105.61

Augustus P. Loring, Jr.
Treasurer

REPORT OF THE DIRECTOR

THE first word in a report written so soon after the end of the war must be one of thanks to all who helped to ease the strains caused by the abnormal conditions of the past four years: first and foremost to the diminished Library staff, each one of whom has done his utmost to keep things going at full efficiency; then to the members of the Society and others who have used the Library who have not complained when, as was sometimes the case, they did not find our machinery operating with all the smoothness and dispatch of normal times. The only people who in the end could not get from us all the service which has long been a part of our routine were those whose requests for photostats would have involved sending out of the building at one time a larger number of manuscript volumes than seemed desirable.

We have regretted the inevitable decline in the number of visiting scholars—many of them old friends of ours—for no small part of the pleasure in working in a Library such as this comes from the stimulus such people give us—not to mention the satisfaction we find in dazzling them with the wealth of our resources. Perhaps it is merely a coincidence that the last six weeks have been very much like old times, both in the number of people who have come to the Library and in the interest and variety of their subjects of research. The staff has reacted to these omens with renewed zest.

The Library is in several respects better prepared than ever before to deal with a peacetime volume of research. One illustration will suffice. Our collection of more than fifty thousand miscellaneous unbound pamphlets, hitherto crudely piled on open shelves under a wide variety of classifications, is now finally arranged in boxes in a single chronological file. This will be an obvious boon to the historian examining the pamphlet literature of any given period. At the same time we have provided a much more extensive subject cataloguing of this material than we have ever had before. By these parallel measures we have restored to this portion of our collection the importance it has deserved.

The much-to-be-desired imprint and chronological catalogues of our early printed material have made but fitful progress, and their present status would be even less satisfactory had not one of the members generously provided funds a year ago when a competent worker was briefly available. The manuscript catalogue is still one of authors only. Not a week goes by without bringing a reminder of how greatly our manuscript collection is restricted in usefulness by the lack of a catalogue arranged according to recipients of letters.

These are among the problems to be solved in the future. The good news is that we shall soon have a full staff again to tackle them. Mr. Olsen, our photostat operator, is back in civilian life, and Mr. Riley, Assistant Librarian, is at the present moment presumably on the high seas en route to this country and discharge from the Army. It is indeed gratifying to know that to both of them this Library is still a part of what they mean by home.

ALLYN B. FORBES
Director

REPORT OF THE CABINET-KEEPER

THE additions to the Cabinet during the past year have been announced to the Society at the monthly meetings and call for no additional comment at this time.

HENRY W. FOOTE
Cabinet-Keeper

The committee to nominate officers for the ensuing year made its report, presenting candidates. A ballot being taken, the following were elected:

President
ALBERT FRANCIS BIGELOW

Vice-Presidents
GEORGE GREGERSON WOLKINS
ZECHARIAH CHAFEE, Jr.

Recording Secretary
FRANK WASHBURN GRINNELL

Corresponding Secretary
ROGER WOLCOTT

Treasurer
AUGUSTUS PEABODY LORING, Jr.

Cabinet-Keeper
HENRY WILDER FOOTE

Members-at-Large of the Council
DAVID CHEEVER
PALFREY PERKINS

November Meeting, 1945

THE Society met in the Dowse Library on Thursday, November 8, 1945, at 3:30 P.M., President BIGELOW in the chair.

The record of the October meeting was read and approved.

The Corresponding Secretary reported the receipt of a letter from ARTHUR HARRISON COLE accepting Resident Membership.

The chair announced the death of EDWARD KENNARD RAND, a Resident Member, on October 28, 1945.

The Society elected Harold Bowditch, of Brookline, and Arthur Meier Schlesinger, Jr., of Cambridge, to Resident Membership and Robert Winthrop, of New York City, to Corresponding Membership.

It was *voted*, that the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury to be expended for such objects as may seem desirable to the Council of the Society.

The Chair announced the appointment of the following Standing Committees for the ensuing year:

By-laws: ROGER WOLCOTT, *Chairman*; FRANK W. GRINNELL and AUGUSTUS P. LORING, Jr.

Finance: ALBERT F. BIGELOW, *Chairman ex officio*; GEORGE E. CABOT and JAMES M. HUNNEWELL.

House: PHILIP P. CHASE, *Chairman*; GEORGE E. CABOT and PALFREY PERKINS.

Library: CHARLES E. GOODSPEED, *Chairman*; DAVID CHEEVER and DONALD McK. FROST.

Meetings: M. A. DEWOLFE HOWE, *Chairman*; ZECHARIAH CHAFEE, Jr., and FRED N. ROBINSON.

Photostat: KEYES DEW. METCALF, *Chairman*; GEORGE G. WOLKINS, and ALLYN B. FORBES.

Publication: ARTHUR M. SCHLESINGER, *Chairman*; LAWRENCE S. MAYO, STEWART MITCHELL, JAMES DUNCAN PHILLIPS, and ALLYN B. FORBES.

Mr. CLAUDE M. FUESS read a paper entitled "Political Episode: Henry L. Stimson and the New York Campaign of 1910."[1]

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[1] Printed in this volume, 392–406.

December Meeting, 1945

The Society met in the Dowse Library on Thursday, December 13, 1945, at 3:30 P.M., President BIGELOW in the chair.

The record of the November meeting was read and approved.

The Director reported accessions:

From Bayard Tuckerman, Jr., of Boston, on deposit, the diary of the Reverend Joseph Tuckerman (1778–1840).

The Corresponding Secretary reported the receipt of letters from HAROLD BOWDITCH, of Brookline, and ARTHUR MEIER SCHLESINGER, Jr., of Cambridge, accepting Resident Membership and ROBERT WINTHROP, of New York City, accepting Corresponding Membership.

The Society elected Mark DeWolfe Howe of Cambridge to Resident Membership.

Mr. ZECHARIAH CHAFEE, Jr., read a paper entitled "Colonial Courts and the Common Law."[1]

January Meeting, 1946

The Society met in the Dowse Library on Thursday, January 11, 1946, at 3:30 P.M., President BIGELOW in the chair.

The record of the December meeting was read and approved.

The Director reported accessions:

From Philip P. Chase, papers of William Eustis Russell, Governor of Massachusetts (1891–1893); papers of George Fred Williams; and papers of the Massachusetts Reform Club and of the Young Men's Democratic Club.

The Corresponding Secretary reported the receipt of a letter from MARK DEWOLFE HOWE, of Cambridge, accepting Resident Membership.

The chair announced the death of THOMAS BARBOUR, a Resident Member, on January 8, 1946.

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[1] Printed in this volume, 132–159.

Mr. Ferris Greenslet read a paper entitled "The First American Lowell."[1]

February Meeting, 1946

The Society met in the Dowse Library on Thursday, February 14, 1946, at 3:30 p.m., President Bigelow in the chair.

The record of the January meeting was read and approved.

The Director reported accessions:

From the Wednesday Morning Club of Boston, its records for the years 1869–1945.

By purchase: a rare broadside, printed in New York on March 23, 1776, containing the first news to reach that city of the evacuation of Boston by the British. The news took the form of a letter from General Washington to Brigadier General Lord Stirling.

The Cabinet-Keeper reported accessions:

From Mrs. Helen C. Dudley, of Harvard, a photograph album containing photographs of the members of the Massachusetts House of Representatives in the year 1871.

The chair announced the death of William Allan Neilson, a Resident Member from 1938 to 1941, and a Corresponding Member since 1941, on February 13, 1946.

The Society elected Carleton Rubira Richmond, of Milton, to Resident Membership, and Ralph Henry Gabriel, of New Haven, Connecticut, to Corresponding Membership.

Mr. Arthur M. Schlesinger, Sr., read a paper entitled "A Dietary Interpretation of American History."[2]

March Meeting, 1946

The Society met in the Dowse Library on Thursday, March 14, 1946, at 3:30 p.m., President Bigelow in the chair.

The record of the February meeting was read and approved.

The Director reported accessions:

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[1] Incorporated in his book, *The Lowells and Their Seven Worlds* (Boston, 1946).

[2] Printed in this volume, 199–227.

From Ellery Sedgwick, two volumes of the law register (1750–1762) of William Livingston, New York lawyer and politician and, later, governor of New Jersey during the Revolutionary War.

The Corresponding Secretary reported the receipt of letters from Carleton Rubira Richmond, of Milton, accepting Resident Membership, and Ralph Henry Gabriel, of New Haven, Connecticut, accepting Corresponding Membership.

The Society elected Gilbert Holland Montague, of New York City, to Corresponding Membership.

Mr. Harold S. Jantz read a paper entitled "The Library of John Winthrop the Younger." Several of the Winthrop books now in the Society's library and referred to by Mr. Jantz were placed on exhibition.

The Director presented by title, on behalf of Professor George Henry Turnbull, of the University of Sheffield, a paper entitled "Correspondence of Samuel Hartlib the Elder and John Winthrop the Younger," consisting of five letters recently brought to light among the papers of Hartlib owned by Lord Delamere.[1]

April Meeting, 1946

The Society met in the Dowse Library on Thursday, April 11, 1946, at 3:30 p.m., President Bigelow in the chair.

The record of the March meeting was read and approved.

The Director reported accessions:

From the estate of George B. Dorr, a collection of Ward family correspondence (1717–1858), the bulk of which consists of letters (1828–1857) between Thomas Wren Ward, American representative of Baring Brothers, London, and Joshua Bates, the senior partner of the firm.

From Mrs. William C. Endicott, President John Quincy Adams's commission (May 24, 1828) to Lewis Cass and Pierre Menard to negotiate a treaty with the Chippewa and other Indian tribes.

The Cabinet-Keeper reported accessions:

From the estate of Miss Helen M. Bell, a pencil sketch, by Henry B. McMillan, of the headquarters in Washington, North Carolina, during the Civil

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[1] Dr. Harold Stein Jantz's bibliography of the library of John Winthrop, Jr., and the introductory essay of Professor George Henry Turnbull of Sheffield, England, will be published at a later date in a special volume of the Winthrop Papers Series.

War, of a detachment of three companies of the Twenty-Fourth Regiment, Massachusetts Volunteers.

The Corresponding Secretary reported the receipt of a letter from Gilbert Holland Montague, of New York City, accepting his election to Corresponding Membership.

Mr. Lawrence C. Wroth read a paper entitled "Some American Contributions to the Art of Navigation."[1]

May Meeting, 1946

The Society met in the Dowse Library on Thursday, May 9, 1946, at 3:30 p.m., President Bigelow in the chair.

In the absence of the Recording Secretary, Mr. Wolkins was designated to serve as Recording Secretary *pro tempore*.

The record of the April meeting was read and approved.

The Director reported accessions:

From the estate of Mrs. Randolph Frothingham, the records (1895–1921) of the Massachusetts Association Opposed to the Further Extension of Suffrage to Women, together with a collection of the publications of the association and other miscellaneous printed material relating to the antisuffrage movement.

From Winthrop Sargent, a deed, December 31, 1798, from Joseph Blake, William Shattuck, Henry Newman, Joseph Barrell, Jr., and Elias Haskett Derby, Jr., to Winthrop Sargent, of 100,000 acres of land between the Elk and Gauley rivers in what is now West Virginia; a deed, signed by Manasseh Cutler, July 7, 1792, to Winthrop Sargent for two shares of land in the tract owned by the Ohio Company; a letter of Francis Parkman, July 7, 1857, to Winthrop Sargent (1825–1870); and a group of documents relating to land owned by Governor Winthrop Sargent, at Natchez, Mississippi.

From Ellery Sedgwick, the *New-York Weekly Post-Boy*, January 3, 1743–July 16, 1744 (lacking two issues), 76 issues in all, the file for 1743 being the only one known; the *New-York Weekly Journal*, August 15, 1737–February 19, 1739, July 23, 1739–February 22, 1742, June 20, 1743 (lacking six issues), 207 issues in all, of which about fifty are the only known copies; and two broadsides: *Speech of His Excellency George Clinton . . . to the General Assembly* [of New York], April 17, 1744; the other containing an address to Governor Clinton from the Grand Jury of the City and County of New York, April 24, 1744, and one from the Council and General Assembly of the Province of New York, April 25, 1744. The only other recorded copies of the broadsides are in the Public Record Office.

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[1] Printed in this volume, 72–112.

The Cabinet-Keeper reported accessions:

From Mrs. John D. Lowes, of Cambridge, a portrait medal of her father, Worthington C. Ford, made by Theodore Spicer-Simson in 1911.

The chair announced the death of ALBERT MATTHEWS, a Resident Member, on April 13, 1946, and that of GEORGE EDWARD CABOT, a Resident Member, on April 18, 1946.

The chair announced the appointment of the following committee in preparation for the Annual Meeting in October:

To nominate officers for the ensuing year: FRED N. ROBINSON, *Chairman;* CHAUNCEY C. NASH; and JOHN ADAMS.

Mr. ROBERT W. G. VAIL read a paper entitled "Certain Indian Captives of New England."[1]

The Director presented by title, on behalf of Mr. CURTIS P. NETTELS, a paper entitled "The Washington Theme in American History."[2]

Annual Meeting

OCTOBER, 1946

THE Society met in the Dowse Library on Thursday, October 10, 1946, at 3:30 P.M., President BIGELOW in the chair.

The record of the May meeting was read and approved.

The Director reported accessions:

From the Wednesday Morning Club of Boston, [John Dickinson], *An Address to the Committee of Correspondence in Barbados* (Philadelphia, 1766); *A Letter to the Right Honourable Lord M———, on the Affairs of America: from a Member of Parliament* (London, 1775); *Observations Occasion'd by Reading a Pamphlet, Intitled, A Discourse concerning the Currencies of the British Plantations in America* (London, 1741). The discourse referred to in the last title was by Dr. William Douglass, of Boston.

From the Honorable Frederic H. Chase, of Boston, a collection of Lemuel Shaw manuscripts.

The Cabinet-Keeper reported accessions:

From Mrs. Carleton S. Gifford, of Boston, a medal awarded in 1877 to Francis A. Pierce by the Chauncy Hall Association, Boston.

From the Estate of Eliza Otis Williams, the seal used by her great-grandfather, Joseph Otis, brother of James Otis.

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[1] Printed in this volume, 113–131.

[2] Printed in this volume, 171–198.

The chair announced the death of Henry Lefavour, a Resident Member, on June 16, 1946; that of Sir Charles William Chadwick Oman, a Corresponding Member, on June 24, 1946; that of Thomas Franklin Currier, a Resident Member, on September 14, 1946; and that of Allen French, a Resident Member, on October 6, 1946.

President Bigelow read the following Resolution of the Council on the death of Mr. Lefavour:

HENRY LEFAVOUR

Henry Lefavour possessed in a high degree those qualities of mind and character essential to the growth and well-being of any great institution. This Society drew heavily upon them and is the stronger for having done so. Called to the presidency after long service in a lower rank which had enabled him to perceive thoroughly both the Society's ambitions and the obstacles in the way of their attainment, he gladly put at the Society's disposal the talents which had long since won for him a place of eminence in the academic world. The success of his efforts can be measured in part by the affection he enkindled in those who found in his friendly advice the unmistakable stamp of true wisdom.

The Society elected Ernest Stanley Dodge, of Danvers, to Resident Membership.

Mr. Frank W. Grinnell read a paper prepared by Mr. Charles Warren entitled "The Doctored Letters of John Adams."[1]

Mr. M. A. DeWolfe Howe presented copies of the correspondence relating to the gift to Boston University by Robert S. Chase of twenty original portraits of leading figures in local and national history in the pre-Revolutionary period, together with a series of articles by Professor Robert E. Moody relating to this gift.

The Society then turned to the business of the Annual Meeting.

Mr. Clarence S. Brigham read the

REPORT OF THE COUNCIL

THE Council has, during the past year, in many ways shared in the sense of satisfaction felt generally over the approach to normal conditions, even though many of the Society's continuing problems had become part of its normal pattern long before the war. The steady, if not always spectacular, growth of the Library's resources and the greater efficiency with which its operations are conducted, the critical approval accorded our publications, and the expression of members' loyalty in such tangible form as legacies in their wills are all factors which enable the Council to consider the difficulties of the present and the future with assurance.

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[1] Printed in this volume, 160–170.

Two innovations were decided upon by the Council. The first was to experiment with a change in the meeting hour from three o'clock to three-thirty in an attempt to meet the complaints of many members that the earlier hour made it impossible for them to satisfy their desire to be present. The result can at best be called inconclusive: the total attendance for the year increased by only one over that for the previous year. Possibly the hour is still not late enough. Possibly those members who are habitual absentees would remain in that category whatever the meeting time.

In its other new venture, a general appeal to the members for financial support, the Council was belatedly following the example of many other similar institutions whose regular income is, like ours, solely derived from endowments. The results thus far, as reported by the Treasurer, are indeed gratifying, and the Council is deeply appreciative of the response which will make possible the accomplishment of many important things that would otherwise have to be deferred. None the less it is difficult to escape the conclusion that the Society as a whole is perhaps not yet so well educated as it should be on the matter of financial support. To the extent that the Council itself is to blame for this, it will cheerfully undertake to remedy its shortcomings.

The Council was particularly impressed by the frequency with which this appeal elicited the suggestion that the members should be required to pay annual dues. This actually was our practice until fairly recent times, and there are now other kindred organizations, with similarly limited membership, whose rules provide for an assessment each year. Reintroduction of such a practice could not, with the membership maintained at the present number, furnish all the additional needed income. It could easily, however, prove to be an important step in educating the members in their responsibility for the Society's financial welfare.

Two new volumes of the Society's publications have been issued during the past year: Volume VII of *Sibley's Lives of Harvard Graduates*, containing sketches of members of the classes of 1722–1725; and

Volume XXI of the *House Journals*, covering the year 1744–1745. Volume V of the *Winthrop Papers*, comprising documents for 1645–1649, has been completed and will be printed as soon as the paper can be secured, while Volume VI of this series is now in preparation. Within the coming year it is planned to publish Volume LXVIII of the *Proceedings*, which will cover the period from October, 1944, through May, 1947.

The Society has lost by death since the last Annual Meeting the following members:

ALBERT MATTHEWS, a Resident Member since 1907, died April 13, 1946. Justly admired for his learning and exact scholarship, he was no less deservedly beloved by those countless people with whom he so unselfishly shared the fruits of his talents. He was in his own person a unique institution of higher learning, one that no one attended without profit.

SIR CHARLES WILLIAM CHADWICK OMAN, Corresponding Member since 1910, died June 24, 1946. He had been Chichele Professor of Modern History at Oxford University since 1905 and one-time President of the Royal Historical Society. An historical scholar of extraordinary versatility, his writings, particularly those in the field of military history, have won for him a commanding position in his profession.

HENRY LEFAVOUR, a Resident Member since 1925, died June 16, 1946. A man of notable gifts as scholar and administrator, he won a place of distinction in the academic world. He was a warm friend of this Society and, as its fourteenth President, 1938–1942, proved himself its loyal, able, and self-effacing servant.

ALLEN FRENCH, a Resident Member since 1927, died October 6, 1946. A widely recognized authority on the American Revolution, particularly in its New England aspects, he combined with his talents as an historian a literary skill acquired from his avocation of novelist. Successive editors of the Society found him unfailingly generous in his response to appeals for papers.

EDWARD KENNARD RAND, a Resident Member since 1928, died October 28, 1945. He appeared in *Who's Who* under the stark definition of "educator." In the Fiftieth Anniversary Report of the Harvard Class of 1894, of which he was Secretary from his graduation until his death, he defined himself more aptly as "student of Christian humanism" and "teacher at Harvard." The admirable account of himself in that Report, a masterpiece of autobiography, tells the story of the happiest of lives—the life of a fruitful scholar, a lover of men as well as of learning, drawing from the past a rare comprehension of the present, rich alike in works and faith. He sought no return for all that he gave to his generation, but won a reward of affection and respect such as few in any generation receive.

George Edward Cabot, a Resident Member since 1934, died April 18, 1946. Born of a family long distinguished in Massachusetts and devoting his talent mainly to the care of property, he had the scholarliness that gave zest to his presidency of the Boston Athenæum and to the respected station he occupied in this Society. Carefully attentive to his duties on the Finance Committee, his poise and his vision were often decisive, and against special interest he was outspoken and firm.

Thomas Barbour, a Resident Member since 1934, died January 8, 1946. He was a great scientist, scholar, and writer, deeply interested in anything historical. He was big in heart, mind, and body; a true and devoted friend.

William Allan Neilson, a Resident Member from 1938 to 1941, and a Corresponding Member from 1941 until his death, died on February 13, 1946. He was an educator who by his own scholarly work and by his influence upon the company of scholars of which he was many years the leader made a lasting contribution to many fields of learning.

Thomas Franklin Currier, a Resident Member since 1943, died September 14, 1946. Forty-five years in the Harvard College Library, he developed a skill in cataloguing that marked him an expert also in literary bibliography. The building of Widener involved shelving for more than a million books, and in the smoothness with which this was accomplished he had no inconsiderable share. His *A Bibliography of John Greenleaf Whittier* (1937) the reviewers welcomed as practically flawless. Coöperative, eager to promote scholarship, he had qualities that won the regard of associates and students.

Clarence S. Brigham
For the Council

Mr. Loring presented the Annual Report of the Treasurer.

REPORT OF THE TREASURER

I HEREBY submit the Auditor's Report as my report for the Society for the fiscal year ending June 30, 1946.

	1944–1945	*1945–1946*
Gross Income from Securities	$43,086.02	$39,495.22
Rate % of Credit to Funds Income	4.5726%	3.9775%
Expenses	$26,295.29	$26,555.69
Deficit	$ 1,009.40	$ 494.59

The decrease in Income from Securities can be tabulated for ease in comparison, as follows:

	1944–1945	*1945–1946*
Book Value of Bonds	$294,898.05	$316,596.75
Bond Interest	$ 15,504.50	$ 9,177.53
Investment Ratio	31.31%	31.72%
Income Ratio	36.01%	23.25%
Book Value of Preferred Stocks	$ 55,055.05	$ 56,660.05
Preferred Stock Dividends	$ 5,605.00	$ 3,055.00
Investment Ratio	5.85%	5.68%
Income Ratio	13.02%	7.74%
Book Value of Common Stocks	$591,823.36	$624,742.74
Common Stock Dividends	$ 21,948.90	$ 27,234.50
Investment Ratio	62.84%	62.60%
Income Ratio	50.97%	69.01%

While the investment ratio has remained fairly constant, the shift in funds from Railroad and Industrial Bonds to Governments is responsible to a large degree for the considerable drop in bond interest, compensated partially by increased returns from the Common Stocks. The slight increase in expenses is so small that I do not consider an analysis necessary. However, with such a substantial decrease in income, the deficit would have been considerable had it not been for contributions received for general purposes to offset, a detailed list of which appears in the report, resulting in a net deficit for the year of $494.59 charged to the Adams Fund, in accordance with the vote of the Council in 1944.

In 1943–1944 we had a deficit of $7,892.67. You will see that we received $3,270 from the appeal we sent out. It is evident that even with this help we still have a deficit although it has been substantially lowered from the 1943–1944 figure. My opinion is that unless the Society devises some way of raising more additional funds there will always be a deficit. I feel that it will be harder to get voluntary contributions in the future, and although there may be an improvement in interest rates, *etc.*, my guess is that the cost of operating the Society cannot be lessened if we are going to maintain our high standards among historical societies. I think great credit should be given to the Director, who has made every effort to keep the expenses the same and with the lowest cost to the Society whilst still maintaining its efficiency.

During the year the Society received two funds: one from Max Farrand, income and principal of which are unrestricted, and one from the trustees under the will of Susan Minns, to be known as the Thomas Minns Fund, the income of which is unrestricted. The principal of the funds was further increased by the addition of income added to principal in the amount of $6,053.85.

The changes in investments made during the year were many, yielding a profit of $11,055.21. Schedule 1 of the Auditor's Report, showing the details of investments, shows the percentages of each classification to the whole. The comparison to Market Value is as follows:

	Book Value	*Market Value*	*%*
Bonds	$316,596.75	$ 322,516.25	101.87
Preferred Stocks	56,660.05	74,660.00	131.77
Common Stocks	624,742.74	763,374.75	122.19
	$997,999.54	$1,160,551.00	116.29

Augustus P. Loring, Jr.
Treasurer

REPORT OF THE DIRECTOR

UNQUESTIONABLY the most fortunate thing that has happened to the Library during the past year is the return to active duty of Mr. Stephen T. Riley, Assistant Librarian. Without a moment's loss of time, as though military service were the ideal tonic for a library worker, he took over again all the activities that had formerly been his responsibility and then found it possible to assume charge of additional ones.

This reorganization of the Library's daily business, of which the Director has been the chief beneficiary, has provided a highly satisfactory temporary solution of budgetary difficulties, which for the time being have made it impossible for us to restore the staff to its prewar number. Shorthandedness cannot, however, be accepted as a permanent arrangement.. There is urgent need of at least one more person who combines secretarial training with an aptitude for the specialized kind of work that is done here.

Further, to regain our full efficiency as a research center, we must not be dependent upon outside institutions for photographic work, for which there is a steady demand though one not great enough to warrant at present a full-time photographer. The day has undoubtedly passed when customers can be found for photostat files of newspapers and for such enterprises as the Photostat Americana, which at one time won a widespread reputation for the Library. But the importance of our manuscript collections will always create a demand for photostats and films, and these can be supplied most expeditiously and with greatest safety to the manuscripts themselves in our own building.

The return of teachers and students to their normal pursuits has been reflected, as was hoped, by a markedly increased use of the Library. This has meant not only more people but research ranging as widely as the scope of the Library's resources, in both manuscript and printed material. At our low point during the war, it looked at times as though we might turn into a genealogist's hunting ground. It is good to have the historians out in force again.

The Director's monthly reports have listed many of the important accessions of the year.[1] In the field of manuscripts we have been particularly fortunate. The correspondence of Thomas Wren Ward, American representative of the house of Baring Brothers, throws new light on the financial history of the United States in the first half of the past century, while the papers of Governor William Eustis Russell and George Fred Williams are of first-rate importance for the political history of Massachusetts during the last quarter of the century.

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[1] Complete figures for accessions during the year 1945–1946 are as follows:

Books	289
Pamphlets	221
Periodicals	610
Broadsides	93
Newspapers	84
Maps	3
	1,300

This Library has long been the chief center for the many students of Horace Mann's varied career. The gift of additional Mann manuscripts, amounting in number to about one-fourth of the already existing collection and covering all phases of his life except the Antioch College presidency, is accordingly of particular significance. Similarly, the acquisition of two volumes of the law register of William Livingston enhances materially the value of what has always been the most important collection relating to that notable eighteenth-century figure.

The state of the book funds at the beginning of the year did not promise well for the strengthening of our collection of Americana. Thanks, however, to the members' response to the appeal of the President and the Treasurer, we were not so limited in our purchases as was feared.

There have been two interesting additions to our Mather collection. In 1700 Cotton Mather, by way of answering Solomon Stoddard's "Book of wretched *Novelties*," the *Doctrine of Instituted Churches* (London, 1700), wrote "A Defence of Evangelical Churches," in which he reaffirmed the orthodox New England stand on certain points wherein Stoddard reflected the increasing Arminianism of the time. This was printed, with Increase Mather's signature added, in the first Boston edition of John Quick, *The Young Mans Claim unto the Sacrament of the Lords-Supper* (Boston, 1700). The copy we have now secured is an unrecorded variant, having at the foot of the last page a line of erratum. Six copies without the erratum are known, one of them in this Library.

A second Cotton Mather title acquired, also in the category of rarities, is *The Retired Christian* (Boston, 1703). Our copy of this lecture on "secret prayer" is the third, and the second perfect one, to be recorded.

Allyn B. Forbes
Director

REPORT OF THE CABINET-KEEPER

THE additions to the Cabinet during the past year have been fully reported from month to month in the *Proceedings* and call for no additional comment at this time.

Henry W. Foote
Cabinet-Keeper

The committee to nominate officers for the ensuing year made its report, presenting candidates. A ballot being taken, the following were elected:

President
ALBERT FRANCIS BIGELOW

Vice-Presidents
GEORGE GREGERSON WOLKINS
ZECHARIAH CHAFEE, JR.

Recording Secretary
FRANK WASHBURN GRINNELL

Corresponding Secretary
ROGER WOLCOTT

Treasurer
AUGUSTUS PEABODY LORING, JR.

Cabinet-Keeper
HENRY WILDER FOOTE

Members-at-Large of the Council For Three Years
CLARENCE SAUNDERS BRIGHAM
WALTER MUIR WHITEHILL

November Meeting, 1946

THE Society met in the Dowse Library on Thursday, November 14, 1946, at 3:30 P.M., President BIGELOW in the chair.

The record of the October meeting was read and approved.

The Director reported accessions:

From the estate of Miss Helen D. Pigeon, a ledger-book kept by John Pigeon, April–August, 1775, while he was Commissary of the Massachusetts Army.

From Miss Elizabeth A. Dike, of Auburndale, manuscripts relating to the Dike family, of Thompson, Connecticut.

From the American Antiquarian Society, a bound file of the Sunday edition of the *Boston Herald*, 1878–1916, and of the daily edition, 1892–1916. This file was originally the property of the Worcester Public Library.

The Cabinet-Keeper reported accessions:

From the Boston Numismatic Society, a duo-memorial medal having on the obverse a design in memory of Shepard Pond, and on the reverse a legend commemorating the eighty-fifth anniversary of the Society.

The Corresponding Secretary reported the receipt of a letter from ERNEST STANLEY DODGE, of Danvers, accepting his election to Resident Membership.

The chair announced the death on May 27, 1946, of HENRI HAUSER, a Corresponding Member since November 14, 1929.

The chair announced the following Standing Committees for the ensuing year:

By-laws: ROGER WOLCOTT, *Chairman*; FRANK W. GRINNELL and AUGUSTUS P. LORING, Jr.

Finance: ALBERT F. BIGELOW, *Chairman ex officio*; RALPH LOWELL and JAMES M. HUNNEWELL.

House: PHILIP P. CHASE, *Chairman*; PALFREY PERKINS and CARLETON R. RICHMOND.

Library: CHARLES E. GOODSPEED, *Chairman*; WALTER M. WHITEHILL and DONALD McK. FROST.

Meetings: M. A. DEWOLFE HOWE, *Chairman*; ZECHARIAH CHAFEE, Jr., and WILLIAM A. JACKSON.

Membership: AUGUSTUS P. LORING, Jr., *Chairman*; ZECHARIAH CHAFEE, Jr., GEORGE G. WOLKINS, ALLYN B. FORBES, and CHAUNCEY C. NASH.

Photostat: KEYES DEW. METCALF, *Chairman*; GEORGE G. WOLKINS and ALLYN B. FORBES.

Publication: ARTHUR M. SCHLESINGER, *Chairman*; SAMUEL E. MORISON, LAWRENCE S. MAYO, STEWART MITCHELL, and ALLYN B. FORBES.

On motion of the Treasurer it was voted that the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury to be expended for such objects as may seem desirable to the Council of the Society.

Mr. E. MERRICK DODD read a paper entitled "The Evolution of Limited Liability in Massachusetts Industry."[1]

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[1] Printed in this volume, 228–256.

December Meeting, 1946

The Society met in the Dowse Library on Thursday, December 12, 1946, at 3:30 P.M., President Bigelow in the chair.

The record of the November meeting was read and approved.

The Director reported accessions:

From Miss Mildred Howells, of York Harbor, Maine, and John M. Howells, of Kittery Point, Maine, a collection of photographs and of manuscripts, chiefly genealogical, relating to the Noyes, Mead, and Howells families.

From Ellery Sedgwick, a volume of New York Colony Session Laws, containing the sessions of November, 1752; July, 1753; December, 1753; December, 1754; December, 1755; December, 1756; February and December, 1757; December, 1758; and the year 1759. The volume was originally owned by William Livingston (1723–1790) and contains many marginal notes in his handwriting.

By purchase: Cotton Mather, *Piety and Equity, United* (Boston, 1717), the Brinley copy and one of two recorded copies; and Josiah Quincy, Jr., *Observations on the Act of Parliament, Commonly Called the Boston Port-Bill* (London, 1774).

The Society elected Carl Bridenbaugh, of Williamsburg, Virginia, and William Greene Roelker, of Providence, Rhode Island, to Corresponding Membership.

Mr. Lee M. Friedman read a paper entitled "The Naturalization of Aaron Lopez."[1]

January Meeting, 1947

The Society met in the Dowse Library on Thursday, January 9, 1947, at 3:30 P.M., President Bigelow in the chair.

The record of the December meeting was read and approved.

The Director reported accessions:

From the Colonial Society of Massachusetts, a group of miscellaneous manuscripts. Among them are: Governor Jonathan Belcher's accounts with his son Andrew, 1744–1750, Mather Byles's records of the Hollis Street Church, Boston, 1732–1775; a letter from Hezekiah Usher to the Commissioners of the

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[1] Incorporated in his book *Pilgrims in a New Land* (Philadelphia, 1949).

United Colonies, August 26, 1664, with accounts for printing portions of Eliot's Indian Bible and Richard Baxter's *Call to the Unconverted* and for binding some of Eliot's Bibles; a group of letters, 1716–1728, from Jeremiah Dummer, Benjamin Colman, and others to Timothy Woodbridge about the affairs of Yale College; Revolutionary War papers of Colonel Thomas Marshall; and letters of John Adams, Samuel Adams, Priscilla (Glover) Appleton (daughter of the Reverend Jose Glover and stepdaughter of Henry Dunster), Governor Thomas Dudley, William Gordon, John Hancock, Cotton Mather, and George Washington.

From Miss Elizabeth Quincy Huntington, of Jamaica Plain, the diary of Samuel Quincy, Boston Loyalist, October 9, 1776–March 30, 1777.

The Corresponding Secretary reported the receipt of letters from CARL BRIDENBAUGH, of Williamsburg, Virginia, and WILLIAM GREENE ROELKER, of Providence, Rhode Island, accepting election to Corresponding Membership.

The Society elected George Norton Northrop, of West Roxbury, and Robert Ephraim Peabody, of Jamaica Plain, to Resident Membership.

Mr. AUGUSTUS P. LORING, Jr., read a paper entitled "A Yankee Points the Way to His Posterity."[1]

February Meeting, 1947

THE Society met in the Dowse Library on Thursday, February 13, 1947, at half-past three o'clock, President BIGELOW in the chair.

In the absence of Mr. GRINNELL, Mr. WOLKINS was chosen Recording Secretary *pro tempore*.

The record of the January meeting was read and approved.

The following accessions were reported:

From Mrs. Horatio A. Lamb, of Boston, additional manuscripts relating to Benjamin W. Lamb, and to the house of James and Thomas Lamb.

From Sewall C. Brackett, of Jamaica Plain, a letter book (1785–1796) of Thomas English, Boston merchant.

The President announced the death on January 21, 1947, of ALLYN BAILEY FORBES, a Resident Member since June 14, 1934, Librarian from 1934 to 1940, and Director since October 10, 1940.

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[1] Printed in this volume, 257–266.

INSTITUTE OF HISTORICAL RESEARCH

Alleyn B. Forbes

There was then read a resolution adopted by the Council on the death of Allyn Bailey Forbes.

ALLYN BAILEY FORBES

The Council of the Massachusetts Historical Society records with sadness and regret the death of Allyn Bailey Forbes. Serving as Librarian of the Society for the past thirteen years, and as Director for the past seven years, he administered the affairs of the Library, edited and published the Society's publications, and arranged for the meetings of the Council and the Society—all with judgment, progressiveness, and ability. He was proud of the Society and its accomplishments. He was friendly, yet firm. His place is difficult to fill, and we grieve his death, which came so suddenly in middle life, and apparently with years of service ahead.

Stewart Mitchell

The Chair announced the death of Wilbur Cortez Abbott, a Resident Member, on February 3, 1947.

The Corresponding Secretary reported the receipt of letters from George Norton Northrop and Robert Ephraim Peabody accepting election to Resident Membership.

The Society elected Elliott Perkins, of Cambridge, and William Phillips, of Wenham, to Resident Membership.

Mr. Henry Adams read a paper entitled, "Charles Francis Adams Visits the Mormons in 1844."[1]

Mr. E. Merrick Dodd made brief comments on the so-called John L. Lewis contempt case now before the Supreme Court of the United States involving the Norris-LaGuardia Act, its bearing upon wage contracts to which the Federal Government is a party, and in respect to injunctions, temporary and permanent.

Mr. William G. Roelker called attention to a microfilming project now in process on a large scale by authorities of the Mormon Church which were intended to cover genealogical records in Denmark and elsewhere.

March Meeting, 1947

The Society met in the Dowse Library at half-past three on Thursday, March 13, 1947, President Bigelow in the chair.

The record of the February meeting was read and approved.

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[1] Printed in this volume, 267–300.

The President announced that the Council had appointed Mr. Stewart Mitchell as Director of the Society, in succession to Mr. Allyn Bailey Forbes, who died on January 21, 1947.

The Director reported accessions to the Library and the Cabinet:

From the Estate of Allen French, a large collection of volumes containing notes, transcripts, photographs, photostat maps and documents, correspondence, and other materials related to the beginnings of the American Revolution.

From Ralph Lowell, a fan owned by Mrs. A. Lawrence Lowell, with memoranda on it concerning the itinerary of a trip to Europe (June 23, 1876–June 22, 1877).

The Director submitted the fifth volume of *Winthrop Papers,* which Mr. Forbes had seen through the press shortly before his death. The Director stated that this volume brought the publication of the Winthrop Manuscripts up to the death of John Winthrop, Governor of Massachusetts, in 1649. He informed the members that the whole expense of the publication of the fifth volume had been met by generous gifts from Robert and Frederic Winthrop, sons of the late Frederic Winthrop, a Resident Member of this Society from 1908 to 1932. The expense of publishing the sixth volume, which it was hoped would appear in 1948, had been provided for, also, by these two gentlemen.

Mr. ARTHUR BURR DARLING read a paper entitled "Historical Perspective in Contemporary Crises."[1]

Mr. MORISON spoke extemporaneously on the subject of a recent book, *Thomas Paine: Author of the Declaration of Independence,* by Joseph Lewis, founder and secretary of the Thomas Paine Memorial Association. Mr. Morison described Mr. Lewis's raid on the Society during the summer of 1946, in quest of John Adams's copy of the Declaration of Independence, now in the Adams Papers. He pointed out that the claims for Paine's authorship of the Declaration had been met and answered thirty-seven years ago by the late Albert Matthews, in the forty-third volume of the *Proceedings* of the Society. Two years after Mr. Matthews had demolished the legend that Paine wrote the Declaration, Edward Channing embalmed his paper in a footnote on the two-hundredth page of the third volume of his *History of the United States* (1912). Thus, Mr. Morison concluded, quite apart from absurd arguments as to the respective abilities of the two men and their literary style, Mr. Lewis, had he taken the time and trouble to get acquainted with the work of Edward Channing, could hardly have dared to be so presumptuous and impudent as to resurrect the ridiculous fable that Thomas Paine wrote the Declaration of Independence.

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[1] Printed in this volume, 424–433.

April Meeting, 1947

THE Society met in the Dowse Library on Thursday, April 10, 1947, at half-past three o'clock, President BIGELOW in the chair.

The record of the March meeting was read and approved.

The Director reported accessions:

From Mrs. Albert T. Leatherbee, a collection of printed material published by the Women's Anti-Suffrage Association of Massachusetts.

From the estate of Mr. Allen French, an annotated copy of Harold Murdock's *Bunker Hill*. . . . (Boston, 1927).

From Mr. Winthrop Sargent, two letters addressed to Winthrop Sargent (1753–1820) by Henry Knox and William Eustis, dated November 14, 1787, and January 26, 1802, respectively.

The Corresponding Secretary reported that he had received acceptances of Resident Membership from the Honorable WILLIAM PHILLIPS, of North Beverly, and ELLIOTT PERKINS, of Cambridge.

The President called the attention of the Society to the proposed amendments to the By-Laws printed on the third page of the notice for the April meeting. After he had explained the purpose of these amendments proposed by the Council, the amendments were voted by the Society.

Mr. JAMES BLAINE HEDGES, of Providence, read a paper entitled "American Debtors and London Creditors in the Critical Period: A Rhode Island Example."[1]

After comments and questions from members, Mr. M. A. DEWOLFE HOWE presented to the Society six volumes of manuscript diaries from which he had drawn most of the material for his recent volume on the Quincys, *The Articulate Sisters*, published by the Harvard University Press in 1946. Mr. Howe especially called the attention of the members to the fact that he had mistakenly referred to seven volumes of diaries in the journal, when one of the manuscript volumes to which he referred was only a cookbook.

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[1] Incorporated in his *The Browns of Providence Plantation*, I (Cambridge, 1952).

May Meeting, 1947

The Society met in the Dowse Library on Thursday, May 8, 1947, at half-past three o'clock, President Bigelow in the chair.

The record of the April meeting was read and approved.

The Director reported accessions:

From Mrs. Annie (Edes) Gardner, of Cambridge, and Mrs. Mary Cushing (Edes) Roys, of New York, the Civil War letters of Robert Thaxter Edes, a surgeon in the United States Navy, and of his brother, Edward Louis Edes, a member of Company B, Thirty-third Massachusetts Volunteers.

From Charles Warren, autobiographical notes prepared on April 29, 1947.

By purchase: [Joseph Galloway,] *A Reply to the Observations of Lieutenant General Sir William Howe* (London, 1780); two broadsides containing the Resolves of the Massachusetts House of Representatives of March 17, 1777, and June 22, 1781, for supplying the troops raised for the Continental Army with firearms and beef.

The Society elected Walter Harrington Kilham, of Boston, and Austin Wakeman Scott, of Cambridge, to Resident Membership.

The chair announced the appointment of the following committee in preparation for the Annual Meeting in October:

To nominate officers for the ensuing year: Chauncey Cushing Nash, *Chairman*; Philip Putnam Chase; and James Melville Hunnewell.

Mr. Stewart Mitchell read a paper called "Lincoln and 'The Devil's Advocate.'"[1]

Mr. F. Lauriston Bullard commented on the reading of Mr. Mitchell's paper to the Lincoln Group of Boston on February 8, 1947, and on the unreliability of Edgar Lee Masters as an historian.

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[1] Printed in this volume, 350–376.

MASSACHUSETTS HISTORICAL SOCIETY

Balance Sheet

June 30, 1947

Resources

Cash:			
State Street Trust Company—Current Account		$ 77,644.69	
On Hand—Petty Cash Fund		200.00	
Boston Five Cents Savings Bank—Savings Account		287.61	
Provident Institution for Savings—Savings Account		1,172.51	$ 79,304.81
Securities Owned:			
Bonds (Market Value $392,065.00)		$ 395,975.05	
Preferred Stocks (Market Value 8,512.50)		5,781.25	
Common Stocks (Market Value 625,640.01)		574,917.15	976,673.45
Real Estate:			97,990.32
Total Resources			$1,153,968.58

Liabilities

Funds: Principal		$1,007,303.01	
Ellis House Fund	$25,000.00		
Building Account	72,990.32	97,990.32	$1,105,293.33
Funds: Income, Restricted, Unexpended Balances			45,419.91
Special Gifts:			
T. Hovey Gage		$ 100.00	
John Barnard Associates		10.00	
George Kuehn		100.00	
Norcross Manuscripts		532.32	742.32
Capital Reserve:			9,078.33
Accumulated Deficits:			
Photostat Account	−$ 4,929.13		
Library Duplicate Account	− 4,719.18	−$ 9,648.31	
Publications		3,083.00	−6,565.31
Total Liabilities			$1,153,968.58

MASSACHUSETTS HISTORICAL SOCIETY

Schedule of Principal of Funds

June 30, 1947

Principal Restricted		
Income added to Principal		
Anonymous Centenary	$ 29,773.13	
Stewart Mitchell	65,324.42	$95,097.55
Principal Restricted		
Portion of Income added to Principal		
Lodge (one-fifth of income)	6,124.55	
J. L. Sibley (one-fourth of income)	279,198.26	285,322.81

Principal Restricted
Income Restricted to Special Purposes

Appleton	$ 12,203.00	
Billings	10,000.00	
Boit	5,000.00	
Brattle Street Model	100.00	
Charles Deane	1,000.00	
W. B. H. Dowse	25,000.00	
Ellis	31,666.66	
Hunnewell	5,000.00	
Kingsmill Marrs	2,000.00	
Lawrence	3,000.00	
Norcross No. 1	10,000.00	
Parker	1,000.00	
Peabody	22,123.00	
Prince Society	1,345.07	
Savage	6,000.00	
Schouler	2,850.00	
Slafter	1,000.00	
Storer	2,000.00	
Waterston Library	3,875.14	
Waterston No. 1	5,000.00	
Waterston No. 2	10,000.00	
Waterston No. 3	10,000.00	
Frederic Winthrop	25,000.00	
Robert Winthrop	15,000.00	
William Winthrop	5,000.00	
T. L. Winthrop	2,364.66	217,527.53

Principal Restricted
Income Unrestricted

Amory	$ 3,000.00	
Bigelow	2,000.00	
Building Annex	87,425.25	
Cabot	10,000.00	
Chamberlain	1,232.33	
Cunningham	50,000.00	
T. Dowse	10,000.00	
Farwell	5,000.00	
Frothingham	3,000.00	
Hassam	10,000.00	
Lowell	3,000.00	
Massachusetts Historical Trust	10,000.00	
Minns	44,129.49	
Nutter	2,500.00	
J. D. Phillips	500.00	
Salisbury	5,000.00	
Shaw	5,000.00	
Smith	15,000.00	
Warren	1,000.00	
Warren Memorial	2,500.00	
Washburn	2,500.00	
R. C. Winthrop	12,000.00	284,787.07
Sub-Total		$882,734.96

Principal and Income Unrestricted		
Adams	$ 41,008.57	
Bancroft	3,000.00	
Farrand	1,000.00	
Moore	2,500.00	
Norcross No. 2	50,000.00	
C. A. L. Sibley	22,509.48	
Whitin	4,550.00	124,568.05
Total Principal of Funds		$1,007,303.01
Ellis House Fund		
Principally wholly invested in 1154 Boylston Street		$25,000.00

MASSACHUSETTS HISTORICAL SOCIETY

General Account

Income and Expenses
For the Fiscal Year Ending June 30, 1947

Total Funds Income—Investments			$42,735.78
Deduct: Amortization of Bond Premiums		$ 631.35	
Income added to Principal		6,431.13	7,062.48
Income Available for Purposes of Society			$35,673.30
Deduct: *Direct Charges to Restricted Income*			
J. L. Sibley Fund Income		$ 937.03	
W. B. H. Dowse Fund Income		868.65	
Frederic Winthrop		4,847.47	
		$6,653.15	
Less: *Credits to Funds Income*			
Frederic Winthrop Fund Income			
Proceeds of sale of 50 shares Johns-Manville Common Stock donated to Finance publication of Winthrop Papers	$5,897.13		
Waterston No. 2 Fund Income	259.80		
Waterston No. 3 Fund Income	10.25		
Robert Winthrop Fund Income	16.04	6,183.22	469.93
			$35,203.37
Deduct: Restricted Income Balances			10,023.79
Balance of Income Available for General Purposes			$25,179.58
Add: *Contributions for General Purposes*			1,033.25
			$26,212.83
Deduct: General Expenses			31,427.09
Deficit for the year (charged to Adams Fund)			−$ 5,214.26

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